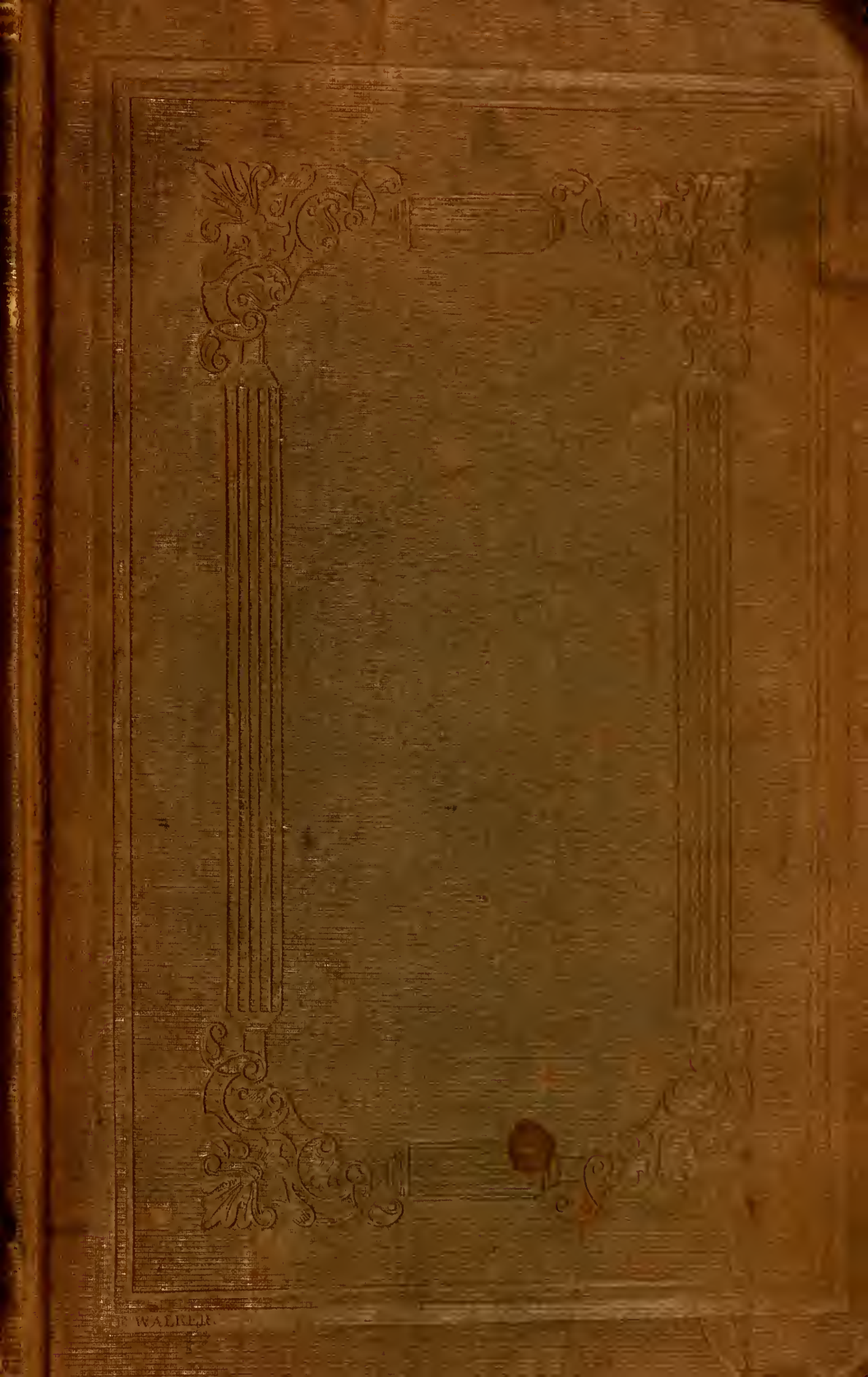

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Friends, Society of. Joint committee on Indian affairs.

THE CASE

OF

THE SENECA INDIANS

IN THE

STATE OF NEW YORK.

ILLUSTRATED BY FACTS.

PRINTED FOR THE INFORMATION OF THE SOCIETY OF FRIENDS,
BY DIRECTION OF THE JOINT COMMITTEES ON INDIAN
AFFAIRS, OF THE FOUR YEARLY MEETINGS
OF FRIENDS OF GENESEE, NEW
YORK, PHILADELPHIA, AND
BALTIMORE.

"Woe unto them that decree unrighteous decrees, and that write grievousness which they have prescribed, to turn aside the needy from judgment, and take away the right from the poor of my people; that widows may be their prey, and that they may rob the fatherless. And what will ye do in the day of visitation, and in the desolation that shall come from far."—*Isaiah* x. 1, 2, 3.

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At a meeting of the Committees of the four Yearly Meetings of Genesee, New York, Philadelphia, and Baltimore, on the concern of those meetings for the welfare of the Indian natives of our country, held at Cherry street meeting-house in the City of Philadelphia, Fourth month, 7th, 1840, it was agreed to prepare a statement of facts for the information of our own members, in relation to the circumstances of the Seneca Indians in the state of New York. It was believed that such information as the committees are prepared to communicate, would not only be acceptable to them, but would tend to awaken their sympathy, and excite them to renewed concern for the welfare of this oppressed and suffering portion of the human family.

At a meeting of the four Committees of the said Yearly Meetings, held in the City of New York on the 29th of Fifth month, 1840, the committee appointed for the purpose, produced the following statement, which was approved, and the same committee directed to have a suitable number printed for the use of our members.

BENJ. FERRIS, *Clerk.*

STATEMENTS OF FACTS, ETC.

It appears that soon after the close of the revolutionary war, a controversy arose between the states of Massachusetts and New York, in relation to a portion of the territory lying in the latter state, which, under an old patent, was claimed by Massachusetts. This controversy was finally settled in the following manner. Massachusetts ceded to New York, all her right and title to the sovereignty, government, and jurisdiction of the lands in dispute, and New York ceded to Massachusetts, and to her grantees, their heirs and assigns, the pre-emptive right to the soil of the native Indians, lying within the limits described in the compromise. Among the Indians who then occupied this land, were the Senecas and Tuscaroras.

This "pre-emptive right," seems to be simply, an *exclusive* privilege to purchase of the original owners, the Indians, their lands, when they are disposed to sell them. Until so disposed, no right is vested in the assigns of Massachusetts to the Indian lands, nor have they any power over them, more than that which every citizen of the United States has over the land owned by his neighbor.

By a treaty with the six nations, of which the Senecas were one, made in the year 1794, the United States acknowledged to each of these tribes or nations, their right and title, respectively, to certain reservations of land specified in the treaty; and solemnly guarantied to them, separately, the possession and enjoyment of their respective reservations. Of these reservations, the Seneca Nation now owns and occupies four; to wit, the "Tonewanda Reservation," situate near and east of the Niagara River, containing about 13,000 acres; the "Buffalo Reservation," situate on Buffalo Creek, and within a short distance of the City of Buffalo, containing about 53,000 acres; the "Cattaraugus Reservation," lying on Cattaraugus Creek, which empties itself into Lake Erie, near its eastern extremity, containing about 22,000 acres; and the "Alleghany Reservation," lying on the Alleghany River, containing about 31,000 acres, all in the state of New York.

These lands, naturally fertile, and a large proportion of them of the best quality, are surrounded by a numerous white population; and, lying in the vicinity of cities, towns, and villages, have become extremely valuable. The advancing value of this property, has been attended with a corresponding desire, on the part of the pre-emption claimants, to get possession of it; for which purpose, all the means which ingenuity could suggest, every exertion which ample pecuniary resources could support, have been adopted and maintained, with untiring perseverance. In the exercise of these means, the Indians have, for many years, been kept in a state of agitation and uneasiness: unsettling their minds, and greatly impeding the efforts of their friends, for their civilization and improvement. In the year 1802, under apprehension for the safety of their possessions, they applied to the Government of the United States, for its protection, and the fulfilment of its contract, contained in the treaty beforementioned. With a just regard to its solemn obligation, as expressed in that instrument, the government issued a declaration, under the seal of the War-Office, signed by Henry Dearborn, Secretary of War, in which is the following language. "As well, therefore, to remove all apprehension from the minds of the chief men, and others of the Seneca and Onondaga Indians, as to *secure to them the possession of said lands*, it is hereby announced and declared, by the authority aforesaid, on behalf of the Government of the United States, that all lands claimed by, and secured to the said Seneca and Onondaga Indians, by treaty, convention, deed of conveyance, or reservation, lying and being within the limits of the United States, *shall be and remain the property of the said Seneca and Onondaga Indians for ever*, unless they shall *voluntarily* relinquish or dispose of the same. And all persons, citizens of the United States, are hereby strictly forbidden to disturb said Indian nations, in the quiet possession of said lands."

In all the treaties made between our government and the Seneca nation, the Indians have faithfully performed the stipulations binding on their part, and are justly entitled to the protection guarantied to them on the part of the United States. But the avowed policy of the government being *the removal of the Indians* beyond the Mississippi, and the object of the land company, the *possession of their lands*, the gentle voice of mercy, and the strong appeals of justice, have been equally disregarded, in the combined struggle of such powerful parties, for the attainment of their respective ends.

It was during this struggle, that the Committees of the three Yearly Meetings of Genesee, New York, and Philadelphia, becoming acquainted with some of the leading facts of the case, felt concerned to unite in an attempt, if possible, to avert the calamities which seriously threatened to overwhelm these small and defenceless remnants of the aboriginal race. With this view, a number of Friends, from those Yearly Meetings, were deputed to proceed to the Seneca Nation, in order to investigate the circumstances of these Indians, and obtain a more extensive knowledge of facts, that, if necessary, a representation of their case might be made to the General Government.

In pursuance of these objects, the Friends delegated, proceeded to the Buffalo and Cattaraugus Reservations, in the Seventh month last; and afterwards, at the invitation of the President of the United States, attended a council of the six nations, held in the Eighth month following, at the council house, near Friends' Settlement, on the latter reservation. At this council, called by the President, and attended by the Secretary of War, much information was obtained; and the committee became thoroughly satisfied of the revolting fact, that, in order to drive these poor Indians from their lands, *deception and fraud* had been practiced to an extent, perhaps, without a parallel in the dark history of oppression and wrong, to which the aborigines of our country have been subjected!

It is not our intention to go into a detail of all the circumstances illustrating this fact. Documents of an official character, appended to this statement, will amply support our views on the subject. We shall therefore confine ourselves to the exhibition of *some* of the more prominent instances of injustice and wrong, which eminently distinguish the present attempt to get possession of the Seneca Reservations.

That these reservations properly belong to those Indians—that they have an indefeasible title to them, cannot be denied. They hold them *by immemorial tenure.* The United States, by solemn treaties, and repeated assurances of an official character, have guarantied to them the peaceable possession of their lands *for ever.* No act of the federal or state governments can *justly* or *constitutionally* deprive them of this property. Nothing, in short, can alienate these lands from their present rightful owners, but their own *voluntary and deliberate act.*

Aware of these facts, the pre-emptive claimants have, for many years, by various means, *open and clandestine,* been

endeavouring to *persuade* the Senecas to sell their reservations. The Green Bay speculation, by which the Government of the United States has been imposed upon to the amount of 52,000 dollars, was contrived for this purpose. But the plan failed, so far as regards the *Seneca* nation. That tribe, steady to its purpose, uniformly refused to enter into the scheme, or to have any connexion with it. No temptation could induce them to relinquish their lands, and leave the graves of their fathers. With a fixed determination, they kept aloof from every measure that had for its object their emigration.

All these means, and many others yet untold, having utterly failed, a *new scheme* was contrived, with the same ultimate object. A *purchase* of the Green Bay lands, in 1832, had been made by the government, for the future residence of the New York Indians. To the treaty for these lands, made with the Menominees of Wisconsin, *the Senecas were not a party;* nor did they desire to be. They had comfortable homes already—their midnight slumbers were not disturbed by schemes of avarice, or plans to deprive others of their possessions. This gratuitous and unsolicited act of the goverment, was so unacceptable to the Seneca Indians, that they would neither remove to Green Bay, *nor accept the land as a gift!* With a clear perception of the *real* object, they declined to take any part in a measure, *devised in fact with the sole view of getting from them their New York lands*, for the gratification of the pre-emptive claimants, known by the title of "the Ogden Land Company."

The Green Bay scheme, however artfully planned, turned out a failure. Years rolled away without its consummation. At length, in the year 1837, under the management of the agents of that company, as it is generally understood, the United States' Government was induced to appoint a commissioner, with the *ostensible* object of purchasing from the Indians of New York, the aforesaid Green Bay lands. The *real* object, however, was to obtain the *means* and *money* and *influence* of the government, to assist the said land speculators in their efforts to obtain the more valuable lands of the Indians, *lying in the state of New York!*

This appointment, when made known to the Senecas, produced much agitation and excitement. They knew that the Green Bay concern was but a *pretext*, and not the *real object* of negociation. With more knowledge of their true interests, than power to protect them, these poor people, through their

most upright and intelligent chiefs, used all the means in their power to defeat the scheme.

In consequence of this appointment, a negociation was opened with the Seneca Indians. Before entering on the business, however, great exertions were used by the land company, to secure *such* a ratification of the treaty as would effect *their* object. Large bribes were offered to such of the chiefs as could be deceived by misrepresentation, or gained by the love of money; and, where such a reluctance to leave their homes was manifested, as no *pecuniary* rewards could overcome, they were threatened with a forcible removal, or *bribed* by an offer of leases for life, of the lands on which they dwelt, free of rent; and, in some instances, by fee simple titles.

Thus prepared, a treaty, together with a deed of conveyance of their lands to "the Ogden Land Company," was offered to the chiefs; and, on the 15th of the First Month, 1838, signed by such of them as had, by *bribery, or otherwise,* been prepared for its execution.

This treaty was laid before the Senate, together with the aforesaid deed of conveyance, and referred to a committee of that body. That committee, with a zeal and industry becoming the importance of the subject, went into an examination of the documents. In the course of this investigation, they found it so defective, that they could not recommend its ratification. While it was under consideration, the Indians came forward, charging that *fraud, unfairness, and bribery* had been used in obtaining signatures to it, and stating that a majority of the chiefs neither approved of, nor had signed it;* although the preamble stated that it had been signed *in council,* and properly assented to.

The committee then remodelled it, changing its original character so thoroughly, as to make of it quite a different treaty; and then sent it back to the Senate. In this amended form, the Senate concurred with it, unanimously; and, on the 11th of the Sixth Month, 1838, adopted a resolution which provided for a reconsideration of the treaty by the Indians; and "that the same should have no force or effect whatever, as it relates to *any of the tribes, nations, or bands of New York Indians,* nor should it be understood that the Senate had assented to *any of the contracts* connected therewith, until the same, with the amendments therein proposed, should be

* See Appendix, No. 7—Letter from Big Kettle and others, to Hon. Samuel Prentiss.

submitted, and fully and fairly explained, by a commissioner of the United States, to each of said tribes or bands, separately assembled, *in council;* and they had given their free and voluntary assent to said treaty as amended, and to their *contracts connected therewith;*" in which case only it was to be binding.

It will be perceived that *this treaty*, which was afterwards known by the title of "the amended treaty," and "*the contracts* connected with it," by which is meant the contracts for the sale of the *Seneca's and Tuscarora's land to "the Ogden Land Company,"* were only to be binding after they had been submitted, and fully and fairly explained by a Commissioner of the United States, to each of the tribes or bands, in *open council, and their assent in council obtained.*

That this is a correct view of this part of the subject, will appear from the following considerations :—

First. In the preamble to the treaty, it was said that the treaty was made and concluded by the Commissioner of the United States, and *the chiefs, headmen, and warriors* of the several tribes of New York Indians, *assembled in council.*

Secondly. The President of the United States, in his message to the Senate, dated January 13, 1840, says, "The provision of the resolution of the Senate, of the 11th June, 1838, requiring the assent of each of the said tribes of Indians to the amended treaty, to be given *in council*, and which was also made *a condition, precedent* to the recommendation to me, of the Senate, of the 2d of March, 1839, to carry the same into effect, *has not, therefore, been complied with, as it respects the Seneca tribe.*"

Thirdly. Governor Everett of Massachusetts, as is stated in R. H. Gillet's letter to General H. A. S. Dearborn, dated December 25, 1838, expressed the same opinion, that "the signatures of the chiefs ought to be given *in council.*" *See* Appendix, No. 6.

Fourthly. Senator A. H. Sevier, Chairman of the Indian Committee, positively asserts, that *the Senate* "sanctioned the treaty of the 15th January, 1838, on the *express condition* that the treaty, as amended by the Senate, should *be approved of by a majority of the chiefs of each tribe separately assembled in open council*, after it had been by our commissioner fully and fairly explained *in open council*, and by a majority of the chiefs freely and voluntarily assented to *in open council.*" *See* Appendix, No. 2.

To every intelligent and unprejudiced mind, it will be evident that these conditions, imposed by the Senate, and recognized by the President, and by the preamble to the treaty, made *a part of that instrument*, must be complied with, in order to make the treaty valid, or any way binding on the Indians. A failure on the part of the Commissioner to observe these conditions, must *necessarily* vitiate the contracts, and ought to make them *null and void.* As the treaty now stands, it bears *a falsehood* on its face !—it declares that it was made and concluded by the Commissioner of the United States, on the one part, and on the other by the chiefs, headmen and warriors "*assembled in council.*"

With the amended treaty in his hand, and the conditions imposed by the Senate before his eyes, the Commissioner proceeded to the Seneca nation. He there caused a council-house to be erected, and called a council, to be opened on the 17th of the Eighth month, 1838. *Some* of the chiefs accordingly met, but many of them being absent, the council was adjourned for three days ; at the end of which time, on coming to the place, the Commissioner found the council-house burnt down.

Nothing daunted by these strong marks of disapprobation, on the part of the Indians, he caused another house to be erected : in the mean time, giving the *Land Speculators* an opportunity to perfect their scheme of bribery and corruption, so as to gain, if possible, *a majority* of the chiefs to sign the treaty ; *such majority being at that time universally admitted as necessary to the validity of that instrument.*

At this time the Land Company, by its agents and subagents, went to work with unparalleled industry, and with a perseverance proportioned to the vast amount at stake. One hundred and sixteen thousand acres of fine land, in a highly improved country, generally estimated to be worth between two and three millions of dollars, were a temptation too strong to be resisted, by the consideration that *justice, mercy, truth, and fairness* must *all be trampled under foot,* before the prize could be obtained. Authentic documents put into our possession by the Indians prove, that to eight chiefs on this occasion, upwards of 20,000 dollars were to be paid by the Ogden Land Company for their signatures to the treaty, and for their services and influence over their fellow chiefs, inducing them to give up their lands ! !

By the conduct of the United States Commissioner on this occasion, it appears that he entered into the scheme with equal ardor. Having had another council-house erected, he called

a council, and submitted to the Indians the amended treaty. After explaining it, as directed by the Senate; he used all the means in his power to induce the chiefs to comply, and sign the instrument. Finding them to cling with unyielding tenacity to the land of their birth, and the home of their fathers, he informed them, in contradiction to the plain language contained in the resolution of the Senate, that the contract for the sale of their lands to the Ogden Company was already complete, and might be carried into effect whether the amended treaty were ratified or not.*

General H. Dearborn, the Commissioner on the part of Massachusetts, in a letter to the Governor of that State, dated Lewistown, Oct. 1838, says, "Among the *numerous very cogent reasons* which were *urged by the commissioner* for inducing the Indians to assent to the amended treaty, during the progress of the long protracted deliberations, he observed, that he had been directed by the officer at the head of the bureau of the Indian department, to state, as his opinion, that the contract of the Indians, for the sale of their right of possession to the Ogden Oompany was complete, and might be carried into effect whether the treaty with the United States was ratified or not."

"The unfairness and reprehensibility," says the Chairman of the Indian Committee, in his speech to the Senate, "on the part of the commissioner, of the use of such terrible and unsound arguments to the ignorant Senecas, is obvious to all."

General Dearborn, who was present on this occasion, had the magnanimity to inform the chiefs that the Governor of Massachusetts held a different view of the subject, and he was authorized to state, that, "unless the amendments made to the treaty were assented to, the Governor considered *the contract for the sale of their rights, null and void.*"

After the use of all the means to obtain signatures to the treaty that ingenuity could suggest, it was laid before the Indians, and out of *eighty-one* acknowledged chiefs, only *sixteen* of them, including all that had been so liberally bribed, came forward *in council* and signed it. Before closing the meeting, *sixty-three* chiefs and warriors, *forty-eight* of whom were *undisputed* chiefs, came forward with a written protest against it, which the commissioner refused to notice, but which was witnessed by Gen. Dearborn, and returned to the Senate.†

* See General Dearborn's letter, dated Lewistown, Oct. 8, 1838.

† See a copy of this protest, and also the affidavit of Israel Jemison, Simon White, and others, in Appendix, No. 9.

Here the services of the commissioner, on the part of the United States, according to the resolution of the Senate of 11th of June, 1838, ought to have closed. According to that resolution the treaty had been submitted and explained to the Seneca nation "assembled *in council.*" A full and fair opportunity had been had for understanding the will of that people, in relation to the amended treaty; and that will had been clearly and explicitly expressed by a majority of the chiefs duly constituted. The Indians well understood the subject, and with a clear view of all the circumstances of their case, they openly and constitutionally rejected the proffered treaty.

The commissioner had only to look into the resolution of the Senate, which contained his official instructions, and marked the bounds of his authority, to perceive that the treaty had been sanctiond by *that* body on the express condition that, as amended, it should, together with "the contracts connected with it," be fully and fairly explained to each of the tribes or bands separately assembled in council, and freely and voluntarily assented to by them *in council.*

The Indian law in relation to the execution of treaties, for the sale of their lands, is wisely adapted to the state of an unlettered people, and remarkable for its deference to the will of the nation. The stipulations about to be made, are first submitted to the *clans* which compose the tribes; if there approved, they are then laid before a council of the tribe or nation, when, if agreed to, they are carried to their highest tribunal, a council of all the nations composing the confederacy, and there finally determined. If, in this assembly it is agreed to sell, the chiefs are authorized to conclude the contracts, which must be signed in open council in the presence and under the inspection of the assembled chiefs and warriors. It is evident that the Senate of the United States, recognising this law, and desiring to prevent frauds so easily practised upon those who are ignorant of a *written* language, intended to provide for a fair and honorable termination of this protracted negotiation, by requiring that the *assent* to the amended treaty should be given in *open council.*

By reference to the course pursued by the commissioner, as described in the official documents, it is evident that he so understood his instructions, and so continued to understand them, while there was a hope that, *by large bribes, leases for life free of rent, fee simple titles, threats of forcible removal,* and other means, noticed in the said documents* a

*See Appendix, No. 7, affidavit of Big Kettle and others; also, No. 26, affidavit of John Snow.

majority of signatures could be obtained *in open council.* It was not until all these schemes had been signally defeated,—it was not until it was found that only SIXTEEN chiefs out of EIGHTY-ONE, could thus be induced to sign the assent,—it was not until SIXTY-THREE chiefs and warriors had, in the same council, openly protested against the treaty, and the sale of their lands, that the commissioner made the discovery that a tavern in Buffalo, or a wigwam in the forest, was a better place for the execution of a solemn treaty, involving the interests of thousands, than a council-house or a Senate Chamber!

In pursuance of this discovery, the commissioner took private lodgings at a hotel in Buffalo, having given public notice that those chiefs, who from fear, or any other cause, should prefer signing the treaty *at his room*, might do so!

A scene now opened, perhaps unprecedented in the annals of treaty-making. Runners were hired to scour the forests, and bring in every chief who could be prevailed upon, by means fair or foul, to sign the assent. Day and night* their wigwams were invaded for this purpose. They were waked from their sleep—besieged by the way, when pursuing their business—chased down, in attempting to escape from importunity, or forced to stay from their homes to avoid it. Spirituous liquors were employed to intoxicate them—false representations to deceive them—threats to intimidate them—and vain hopes to allure them. With all these means, and others too numerous here to mention, THIRTEEN more signatures were obtained at the tavern, and TWO at private houses, making, in all, THIRTY-ONE out of EIGHTY-ONE.

Thus, after a laborious service of more than forty days, in council and out of council, at taverns and in wigwams, by fair means and by foul ones, the commissioner was left with the treaty in his hand, signed by a *minority!* He adjourned the council on the 2d of the Tenth month, having kept it open nearly seven weeks, to the great loss of the nation, at a season of the year the most important to the Indians, as it includes a period in which they are generally employed in procuring and preparing their food for the winter.

The treaty thus signed, was returned to Washington by the commissioner, with his report to the Indian department, dated October 25th, 1838. In this report, a number of important facts were omitted, going to show the nature of many transac-

* See Appendix, No. 47, Mark Charles' affidavit.

tions which had taken place during the session of the council at Buffalo; and which, if stated, would have proved that a number of the signatures were fraudulently obtained, and that several names appended to the treaty, had never been placed there by the authority of the chiefs they represent.

The council, which was adjourned on the 2d of Tenth month, as aforesaid, was by that adjournment to have met again on the 15th of the Eleventh month following; but, by this time, the commissioner having discovered that signatures to this treaty were more certainly obtained in a *clandestine* way, than by open and honorable means, never opened the council; and thus violated his engagement, again to meet the Indians in that *public* manner. Touching this point, Senator Sevier says: "This violation of a public pledge, by a duly authorized commissioner, is justified, though not avowed, on the ground, I suppose, that we are not bound, according to modern ethics, to keep faith with heretics or infidels."

The report of the commissioner to the Indian department, which has just been mentioned, having been considered by the Secretary of War, and by T. H. Crawford, an officer of that department, the assent to the amended treaty *was not satisfactory;* whereupon the commissioner was sent back to the Seneca nation, for the purpose of obtaining additional signatures to it. In a letter from T. H. Crawford to the commissioner, dated October 30th, 1838, Office of Indian Affairs, we find the following paragraph. "Sir: Your report, and the treaty with the New York Indians, assented to as amended in the Senate of the United States, have been submitted to the Secretary of War. He is of opinion *that the consent of a majority of all the Seneca chiefs must be obtained;* but that, as you have heretofore met the requirements of the Senate, by full explanations to them in council, you may proceed to the Seneca Reservation, and there obtain the assent of such Indians as have not heretofore given it."

Another struggle now commenced for the achievement of the object mentioned in this letter. The commissioner repaired to Buffalo, and opened *his private apartment* for the reception of signatures. But there not being chiefs of a mouldable character, sufficient for the purpose of turning the scale in favor of the treaty, a new scheme was invented. By the established laws and usages of the nation, the clans select from their most intelligent members, such as by their qualifications for usefulness in council, are considered proper to fill the office of chief. This selection is then sent forward to a

council of the whole six nations, where, if approved, the persons so returned, are, by the voice of the confederate chiefs, admitted to office, and take their *station* as *counsellors of the confederacy*, and as *chiefs* of the particular nation to which they belong. The parties in favor of the measures for driving the Senecas from their reservations, very well knew that by this process they could not attain their ends. In the Twelfth month of that year, they therefore collected a few Indians together at a private house in the City of Buffalo, and elected John Hutchinson, Charles Graybeard, and Charles F. Pierce to the office of chiefs, who immediately subscribed their names to the assent to the Senate's amendments. By these means, and others equally unlawful, the commissioner at length succeeded in getting *ten* additional signatures to that instrument, making, in the whole, forty-one names. Of those Indians who thus appear as parties to the assent, six never were lawful chiefs of the nation, and six others have solemnly deposed that they never signed it, nor authorized others to sign it on their behalf.

The treaty thus executed, was returned by the President to the Senate on the 31st of First month, 1839. By its resolution of Sixth month 11th, 1838, the President of the United States was authorized to promulge the treaty, without any further action of the Senate, if satisfied that it had been assented to by the Indians, according to the true intent and meaning of that body. By returning it to the Senate, he unequivocally declared, that the treaty had *not* been so assented to.

The Senate again sent it to their committee on Indian Affairs; who, after an investigation of the case, once more returned it to the President, with the following resolution, dated, March 2, 1839:

"Resolved, That whenever the President of the United States shall be satisfied that the assent of the Seneca tribe of Indians has been given to the amended treaty, &c., according to the true intent and meaning of the resolution of the Senate of the 11th of June, 1838, the Senate recommend that the President make proclamation of the said treaty, and carry the same into effect."

Hitherto it is evident to demonstration, that the Senate's conditions had not been complied with. *The treaty had never been assented to in open council.* By the means to procure its execution, *it was tainted with palpable fraud*, and, including every name on it, placed there by chiefs them-

selves, whether fraudulently obtained or not, *there was not a majority of the whole.*

No sooner had the foregoing resolution passed the Senate than the authors of these transactions, their agents and sub-agents, beset the President with letters, pressing him to ratify and promulge the treaty. Stryker, Wilcox, Allen, and the land company, the prime movers, and principal actors, in the aforesaid schemes to drive the poor Senecas from their homes and their firesides, also appeared on this occasion. But notwithstanding all their efforts, the President, in accordance with the views of the Senate, determined to obtain for the Indians one more opening to escape from the hands of the spoiler—to give them another opportunity to express themselves on a subject, involving to thousands all that was dearest to them on this side of the grave.

Pursuing this benevolent intention, the President, in the Eighth month, 1839, despatched the Secretary of War with the treaty to Buffalo, for the purpose of submitting it again to the Seneca nation, and also to communicate the views of the Senate as expressed in the resolutions of "June 11, 1838," and "March 2, 1839."

On the 12th of the Eighth month in the year last mentioned, a council was held by the Secretary with the chiefs of the Six Nations at the council-house on the Cattaraugus reservation. By an invitation from the President, a delegation from the Indian committees, of the three Yearly Meetings of Friends, of Genesee, New York, and Philadelphia, attended that council. Several of the officers of government, with General Dearborn, the commissioner from Massachusetts, were also there. Speeches were made to the Indians by Judge Stryker, General Dearborn and the Secretary. The latter informed them that he was "sent by their Great Father, the President, to confer with them, ascertain their objections to the treaty, and to listen to every thing they had to say on the subject."

If these were the only objects of the council, the necessity of holding it may well be called in question. Their objections to the treaty had already been so fully stated to the War Department, that nothing new on that point could reasonably be expected. The office of that department was literally crowded with memorials, petitions, remonstrances, protests, affidavits, censuses, and almost every species of evidence, to demonstrate that the treaty was *fraudulent, and contrary to the deliberate will and judgment of the Indians.* Delega-

tion after delegation had, from time to time, been at Washington, clothed with official authority from the Seneca nation, for the same purpose. It is, therefore, hardly credible that the President, who well understood all these matters, should authorize the holding of a council with the Indians merely to confer with them and ascertain objections which were perfectly ascertained before.

If, as affirmed in the Senate, by the chairman of the Indian committee, the Secretary of War *was* despatched by the President to hold a council with the Senecas, "*for the purpose of submitting to them the amended treaty*," and thus to ascertain by actual experiment whether a majority of legally authorized chiefs had signed the assent to it or not, we have a very *clear, and very cogent reason for calling such a council.* On the other hand, if we are to understand that the Secretary was sent merely to confer with them, ascertain their objections to the treaty, and listen to every thing they had to say, such a mission must appear to be a work of supererogation, and liable to be considered as a scheme covering a determination to execute the treaty, and drive away the Indians, right or wrong.

In the message of the President, dated January 13th, 1840, he says: "No *advance* towards obtaining the *assent* of the *Seneca* tribe *to the amended treaty* was made." From this language it is evident that the mission was intended to ascertain, by a submission of the assent once more to the Seneca nation, whether any such advance could be made or not, and he states the result of the experiment by saying: "No advance was made!" The fact is, no attempt was made to obtain such assent! Instead of laying the treaty before that tribe, and calling upon the chiefs to come forward and express their assent or dissent to it, the whole time was spent in making speeches, which did not and could not, in the nature of things, advance the great object of the council one iota!

That the calling of this council was, for the purpose of *submitting the amended treaty again to the Seneca nation*, further appears, from the declaration of the Senator from New York,—a Senator who was in favor of the removal of the Indians, and therefore not liable to the suspicion, that he was influenced by party or interested motives, in making the statement. Pending the discussion of the subject in the Senate, in the Third month, 1840, Senator Wright, in reference to the resolution of the Senate of the 11th of June, 1838, says, "With this resolution the treaty was remanded to the President, for

the further action of the Executive department. Inasmuch as the President had returned the amended treaty to the Senate for an expression of its opinion, *as to the sufficiency of the assent of the Seneca band*, and as the resolution above given did not express an affirmative opinion upon that point, that officer very naturally supposed that *further efforts on his part to obtain the assent of this band, was contemplated.* During the vacation of 1839, therefore, he sent the Secretary of War in person, to hold a council with this band, and *again lay the amended treaty before their chiefs in council, for their more formal assents.*"

It is much to be regretted that this principal, and indeed only important part of the mission, was wholly lost sight of by the Secretary of War. Had the treaty, at this period, been laid before the chiefs, who were assembled at Cattaraugus, every doubt as to the will of the nation, every question on the subject of majorities, of the official character of chiefs, of the forgery of signatures, of the genuineness of powers of attorney, and other disputed points, would have been quietly settled. This would have been a short, and easy, and certain way, of putting these "vexed questions" for ever at rest. By withholding, on this occasion, the treaty and the assent to it, the Indians were prevented from giving to the President, and to the world, an undeniable proof, that it had not been fairly executed.

A census of the four reservations in the tenure of the Seneca nation, had been taken in the year 1838, and certified by affidavits, duly made before the proper authority. When the delegates from the three Yearly Meetings of Friends were at Cattaraugus attending the council in the Eighth month, 1839. deeming it a very important point, for the consideration of the President and Senate, they advised that another census should be taken with great care, by persons of unblemished reputation for integrity, and when so taken, duly certified. This was accordingly done, and the result showed that out of a population of 2,449, on the four reservations belonging to the Seneca nation, only 138 individuals were willing to remove—including in this number, women, children, and infants at the breast!

This census, which was forwarded to the Indian department and printed by order of the Senate, has never been called in question (so far as we have yet ascertained,) by any party, whether disposed to wrong, or to defend the Seneca nation.

If this census be correct, what a view does it present, of the

conduct of those poor, ignorant, bribed chiefs, who have signed the assent to the amended treaty. What overwhelming evidence does it furnish, that they have been influenced *by other motives than the will of their constituents.* Appointed for the express purpose of *representing the nation,* they have done all in their power to *betray* it.

If we were to admit, that, the *forty-one* names appended to the treaty, were, as they are stated to be, the names of *chiefs;* and that these chiefs had been *fairly* inaugurated into that office, and that their assent was obtained *without bribery or corruption,* what must every honorable man think of their conduct? Instead of representing the will of the nation, as it was their duty to do, they represented the will of 138 individuals, out of a population of 2,449 persons!! Can there be any evidence of a higher character, to show, that the treaty for the removal of the Seneca Indians is *fraudulent,* and does not express the will of one of the contracting parties—a party more deeply interested in the case, a thousand fold, than the other.

Having, as before stated, obtained much information, in relation to the objects of their mission, delegates from three Yearly Meetings were appointed to lay the same before the President of the United States. On their way to Washington, Baltimore Yearly Meeting being then sitting, the concern was laid before that body. Entering into deep sympathy with the Indians in their present suffering state, that meeting directed its committee on Indian concerns, to unite with committees already appointed, and acting on behalf of the three Yearly Meetings of Genesee, New York, and Philadelphia, in their endeavors to assist and protect the New York Indians, on the present trying emergency.

Thus united, the delegates proceeded to the seat of government, and on the 1st of the Eleventh month last, presented to the President the following memorial.

To the President of the United States:

The undersigned, on behalf of the several committees on Indian concerns, appointed by the four Yearly Meetings of Friends of Genesee, New York, Philadelphia, and Baltimore,

RESPECTFULLY REPRESENT:

That the religious Society of Friends, since the first settlement of Pennsylvania, has ever maintained with the aborigines of our country the most cordial and friendly relations. The numerous acts of kindness—the protection and support—received by our emi-

grating ancestors from that people, have left on the minds of their successors the most lasting impressions of gratitude. The friendship cemented by the justice and magnanimity of William Penn, on the one side, and by the benevolent conduct of the natives on the other, has been as lasting as it was honorable to both. The original treaty between them was never violated on either side. When the administration of the colonial government had passed out of the hands of the proprietaries, Friends did not forget the obligations of gratitude and justice. On all proper occasions they appeared on behalf of the Indians, as their friends and counsellors. They sent agents to reside among them, to instruct them in the arts of civilized life; and, at great expense of time and money, labored for their civilization and improvement. The Senecas, Tuscaroras, Cayugas, Onondagas, and Oneidas, from their proximity to the settlements of our people, became the peculiar objects of our care.

It is not, therefore, from any desire to meddle in the affairs of government, or to call in question the benevolence of its intentions, or to interfere with the just claims of any of our fellow-citizens, that we appear on the present occasion. Our object is, that the government of our country may exercise justice and mercy towards a weak and defencelesss people, and maintain a character that, while it stands without reproach in the face of the world, will command the respect of every virtuous citizen.

A treaty, concluded between the United States and some of the chiefs, headmen, and warriors, of the several tribes of New York Indians, bearing date January 15, 1838, was, by the President, transmitted to the Senate for its consideration. The great object of this treaty, on the part of the government, was the removal of that people to certain lands assigned them beyond the Mississippi. The Senate, designing to do justice between the parties interested, and to shield the Indians from the aggressions and fraud of the whites, with a magnanimity proper to the exalted station assigned it by the Constitution, refused to ratify that instrument in form as presented. The treaty was amended in several important particulars, and it was then ordered, that so modified, it should be "fully and fairly explained to each tribe, separately, in open council, and that a majority of the chiefs should voluntarily and freely assent to each and all of the amendments made by the Senate." This being done, and the treaty signed by such majority, it was to be binding, otherwise to have no force or effect.

The object of the Senate, in thus directing that the treaty so amended should be "fully and fairly explained in *open council*," was obviously to prevent frauds, so easily practiced by artful men upon an unlettered and unsuspecting people. The Senate well knew that all the means which avarice could bring into action, might be *privately* employed, in order to remove the Indians.

They knew that 116,000 acres of rich and fertile land, surrounded by populous cities and towns, in the very heart of an agricultural district, highly improved and extremely productive, were a great temptation, and they wisely and honorably prescribed that the transaction should take place in "*open council.*"

The directions of the Senate, so far as they enjoined that the amendments to the treaty should be "fully and fairly explained to each of the tribes in open council," appear to have been complied with; and it is to be presumed that the Indians well understood those explanations. But what was the result? The United States commissioner, in a letter dated Washington, October 25, 1838, says, "I then received sixteen signatures."

On the part of those who are in favor of emigrating, it is affirmed that the number of chiefs, duly qualified, is but *eighty-one;* while the non-emigrating party declare there are upwards of *ninety.* Taking, however, the lowest number, there were but sixteen chiefs out of eighty-one who signed the treaty in "*open council.*"

But the commissioner (by what authority, is not stated) had informed the Indians, that "those who from *fear*, or other cause, should prefer to sign the treaty *at his room*, might do so." In pursuance of this arrangement, *thirteen* chiefs were induced to come forward and sign the treaty in the commissioner's room! Subsequently *two* other signatures were obtained, by waiting on the chiefs in their own *private* houses! Thus the names of *thirty-one*, out of more than *eighty* chiefs, appear as sanctioning that treaty!

Of this procedure on the part of the commissioner, the Indians, heavily complain. They affirm it to have been the uniform practice of the nation to execute such instruments in open council, unless in cases where delegates were specially appointed by the nation for that purpose. To a people who have not the use of a written language, customs sanctioned by immemorial usage, have the force of laws, are respected by them as such, and ought to be so respected by others. It requires but little knowledge of human nature to perceive that the mode of procuring signatures to a treaty, as adopted by the commissioner, if sanctioned by the government, must open a door for all manner of corruption and fraud. That it did so on the present occasion, is affirmed by the Indians, and proved by a long train of evidence of unquestionable character.

If the Senate, by directing that an explanation of the amendments should be had in open council, intended to prevent *frauds*, why should their execution be *in private?* We cannot perceive that there is more, or even as much danger of fraud in a *private explanation* as there is in a *private execution* of a treaty; and we see no ground in the resolution of the Senate for supposing that it intended a private execution of that instrument.

The treaty, thus signed, was returned to the Executive. Not satisfied that the requisitions of the Senate had been complied with, the President, with a just regard to the high trust reposed in him, refused to sanction the proceedings of the commissioner, so far as regards the Seneca nation.

Having failed to obtain such an assent to the amended treaty as the resolution of the Senate required, the commissioner again repaired to the Seneca nation, and there directed the sub-agent of the United States to give public notice that he was present and authorized to take the signatures of such chiefs as desired to give them. In his second report to the Office of Indian Affairs, he says: "After this notice, *ten* additional names were received to the assent, making in all *forty-one.*" *Three* additional names were subsequently forwarded to Washington, after the treaty was under consideration.

It becomes our duty now to show by what means the names of a very considerable number of the chiefs who signed, or *appear* to have signed that treaty, became attached to it. We have seen that only sixteen of them signed it in open council; the others, amounting to *twenty-eight*, were *privately* obtained.

It may be proper here to premise, (though the fact is generally known,) that the Ogden Company holds a pre-emptive claim to the lands of the Seneca Indians; that is, as we understand it, an *exclusive* right to purchase these lands when the present owners choose to sell them. This right is vested in that company by purchase from the assigns of the State of Massachusetts. Powerful in its resources, this company is seeking, by various means, to dispossess the Indians. Whenever and wherever a treaty is to be held with this nation, then and there we find the Ogden Land Company, by its agents, prepared to put in operation their measures to persuade or drive these Indians from their present homes.

Among the various means employed to obtain signatures to the treaty, one is, by large rewards and specious promises, to secure the services of influential chiefs, and binding them to "use their best exertions and endeavors to dispose and induce the said Indians to sell and release, by treaty, their lands." By sundry documents, exhibited to us by the Seneca Indians at the late council held at Cattaraugus, it appears, that to eight chiefs of that nation the payment of $21,600 was promised, upon the faith of written articles duly executed by the company's agent, for the pupose aforeasid.

By an article of agreement between the said agent and John Snow, a Seneca chief, dated 29th July, 1837, the said chief was to receive the sum of $2,000 and a lease for life of the farm on which he resides. Afterward, when the amended treaty was pressed upon him, he declares, under oath, that General Potter, agent of said company, offered him $4,000 if he would sign the assent

to the amendments, and that he should have a deed for two hundred and thirty acres of land wherever he should choose it, and that deponent's wife might call on him for $50. After his signature was obtained, as described in the affidavit, Potter made him a present of $100.

Samuel Gordon, another of said chiefs, by an article dated August 7, 1837, was to receive for his services in the premises the sum of $6,000.

George Bennett, another chief, by an article bearing date August 7, 1837, was to receive on the same account the sum of $6,000.

George Bigdeer, another of said chiefs, for the like services, was to receive the sum of $1,000 and a lease for ten years of the land on which he resided, containing about fifty acres, as appears by an article dated September 16, 1837.

Blue Eyes, another chief of that nation, for *signing the treaty*, and for his services aforesaid, was to receive $2,000 and a lease for life of the land on which he resided, containing about fifty acres.

Jacob Jimeson, another Seneca chief, for his services as aforesaid, and for *signing the said treaty*, was to receive $1,000.

John Gordon, a chief of said nation, for *signing the said treaty*, and for services as aforesaid, was to receive $1,100 and a lease for ten years of about sixty acres of land, improved and now occupied by him, on the Alleghany reservation.

Levi Halftown, a Seneca chief, for his services and influence, was to receive $500 and a lease for about sixty acres, to hold the same so long as he shall continue to live thereon.

The Committee on Indian Affairs, to whom was referred the President's message, dated January 21, 1839, transmitting a treaty, as amended by the Senate, in their able and lucid report, say: "Those opposed to the treaty accuse several of those who have signed their assent to the amended treaty with *having been bribed*, and, in at least one instance, they make out the charge very clearly." We trust the accompanying documents, containing copies of similar contracts, will make out the charge with equal clearness; in other instances and by fair inference we may conclude the charge true in many cases not yet come to light.

But we have seen that, in addition to the sum of $21,600, to be paid to the aforenamed eight chiefs, as a reward for seducing their fellow chiefs to sell the lands of their unwilling constituents, there was an engagement entered into, by the agent of the Ogden Land Company, to give four of the said chiefs leases of lands on their present reservations; some for life, some for a term of years, some during actual occupation, and one à fee simple title for 230 acres, "on condition of services to be [by them] faithfully performed in the premises," &c. By such leases and conveyances the

apparent order of things is to be curiously reversed! The emigrating party is to stay at home, while the party *averse to a removal* are to be driven from their lands and firesides against their consent! We have no doubt, from a variety of evidence, that one of the most powerful inducements offered to the *emigrating chiefs* (under the impression, from repeated assurances, that the treaty would, at all events, be enforced,) was the belief that, if they complied with the wishes of the Ogden Company, they would be permitted to live and die on their native ground!

Little Joe, a warrior of the Seneca nation, resident at Buffalo, in an affidavit taken before H. A. Salisbury, dated February 7, 1839, deposes and says: "There were frequent meetings of the *purchasing company* with those who were hired as runners, to devise means to accomplish the company's purpose; that, at such meetings, there was a bounty of $40 per name offered to such runners as should obtain the signatures of chiefs to papers said to be powers of attorney, made either to the Indian agent or one of the company, or one of the emigrating Indians, empowering said agent, one of the said company, or Indians, to affix said chiefs' names to the assent to the amendment; and further, that the runners were instructed to leave no means untried to obtain the signatures of chiefs to said papers, especially with such as could be worked upon by liquor."

David White, a chief of the Seneca nation, residing at Buffalo, by affidavit bearing date February, 7 1839, deposes, that while commissioner Gillet was in Buffalo last fall, one John Jimeson (an Indian and runner for the purchasing company) came to this deponent and offered him $1,000, cash in hand, provided this deponent would go down to Buffalo to the mansion house (a tavern) and sign the assent to the Senate's amendments, which deponent absolutely refused! Such were some of the means used to effect the company's purposes; but others, if possible, still more objectionable, will now be adverted to.

By an affidavit, signed by Big Kettle and seven other chiefs of the Seneca nation, bearing date February 7, 1839, it appears that John Hutchinson, Charles Greybeard, and Fisher Peirce, three Indians of that nation, residing at Cattaraugus, had attached their names to the amended treaty *as chiefs*, and that they obtained this title by a sham election at a tavern in Buffalo last fall! The deponents say that such an election is fraudulent; no election to the office of chief being valid unless sanctioned by the Six Nations in council assembled.

John General, a chief of the Seneca Nation, in his affidavit, dated February 7, 1839, says, that, near the close of the council held last summer by R. H. Gillet, being on his way to Buffalo, he was enticed by one of the runners of the purchasing company into a tavern and pressed to drink some ardent spirits, which he did, and

finally became intoxicated, in which state he was strongly pressed to sign the assent to the amended treaty, which he constantly refused. He further deposes that he has since been informed his name is affixed to it; and solemnly declares, that he never so affixed it, unless it was when he was so drunk that he did not know it, and has never since remembered it.

In a letter from one hundred and forty young warriors of the Seneca nation to the Secretary of War, dated April 6, 1839, they say: "The fact is, that those chiefs who are in favor of emigration have, almost to a man, by bargains with the purchasing company, provided for the *future* residence of themselves and families for life! Those very men who are most urgent for us to go, are the very men who are to stay!"

Whatever may have been the reasons in favor of the removal of the Indians in the southwestern parts of the United States, we do not think they are applicable to the case of those on whose account we now appear. It is true that the Indian nations who formerly resided on the Atlantic frontier have been either wholly exterminated or driven back. At the touch of the "white borderers," they have been consumed. In an uncivilized state the red man receives the vices and diseases of the white, but is not prepared to practice his virtues or to use his remedies. These vices and diseases have made more havoc among the aborigines of our country than the tomahawk or the sword. But the country surrounding the *Seneca Indians* is now *civilized and densely populated.* Instead of perpetually meeting the rude squatter, who, with his rifle and his rum bottle, neither fears God or regards man, the New York Indian has only to step over the geographical line which marks the boundary of his reservation, and he finds himself in the midst of an intelligent and virtuous population. He sees fertile fields, in a high state of improvement, rendered profitable by a judicious system of agriculture; he sees beautiful specimens of building, securing the comforts and elegancies of life, and commanding his admiration by their adaptation to our wants or our tastes. Instead of examples whose only tendency is to corrupt and debase him, he sees on every side models of industry, sobriety, and order.

The greatest obstacle to the civilization of the Indian is his *aversion to labor.* Civilization is a system of restraints. At every turn it demands a sacrifice of *personal* ease. In his natural state, the *pleasures* of the Indian feed him. He procures his *food* by *fishing* and *hunting.* In the state to which we invite him, "by the *sweat* of his face he must eat bread." To arrive at this state, both *nature* and *habit* must be overcome. It is not, therefore, a subject of wonder that he slowly and reluctantly yields to the *necessity* of a change. No nation, perhaps, ever became civilized but by the force of circumstances. But the *situation* and *circumstances* of the *New York Indians* have brought them to this *necessity;* either

civilization or *extermination* must overtake them, and they generally know it. They have perceived it for some years past, and partly from this conviction, and partly by the force of example, they have within a short period, made more rapid advances in the arts and improvements of *civilized* life than at any former time.

M. B. Pierce, a young Indian of the Seneca nation, who, through the bounty of our Government, has received a liberal education, writing on this subject, makes the following statement in relation to his tribe: "In business there is much greater diligence and industry; their teams, in respect to oxen, horses, wagons, sleighs, &c., are more in number and better in quality than formerly; and, in these respects there is a constant improvement. The *men* labor *more* comparatively, and the women *less*, except in their appropriate sphere. With regard to buildings, they are much more conveniently planned, and of the best materials, both dwelling-houses and barns, and new ones constantly going up. Those who have not lands of their own under cultivation are much more willing to hire themselves to labor for others; this shows that the idea that work is dishonorable, is done away. There are among us good mowers, and cradlers, and reapers; blacksmiths, carpenters, shoemakers, and other mechanics, do work enough for their brethren. There are several wagons in the nation that are worth more than $100. Manure is sometimes applied, which, but five years ago, was almost universally wasted. With regard to their mode of living, tables, chairs, bedsteads, and cooking apparatus, have been purchased of the whites, or manufactured in imitation of them; and they are used to a greater or less extent in every family. The habit of taking regular meals is gaining ground, and the provision luxurious. They are more attentive and judicious in the care of the sick, and rely less on notions and quackery. They employ skilful physicians, and use the medicines with less prejudice and a great deal more confidence. We have other evidences of improvement, in the increase of industry, and a consequent advance in dress, furniture, and all the comforts and conveniences of civilized life. The fields of the Indians have never been kept in such good order, nor managed with so much skill, as within a few years. At public meetings and other large assemblies they appear comfortably and decently, and some of them richly clad. There are many of them who keep themselves well informed of what is going on in the country. Newspapers have been taken from Washington, Philadelphia, New York, and other cities in the United States, and two or three copies of the 'Genesee Farmer.' Some of the young men have libraries, and in them a choice selection of books. All these improvements are advancing at a rapid rate."

From other sources of information, and from our own knowledge, we believe this picture is not overcolored. The increasing intelligence of the Indians is qualifying them better to appreciate the advantage of their present location; and the consequence is, that

they are more and more averse to a change of residence. The events of the two preceding years have caused them to reflect, to investigate, to reason; and a number of those who, when the subject of emigration was first proposed, and large rewards offered for their compliance with the measure, were willing to sign the treaty, have since become the most decided opponents of the scheme.

By a census taken during the present summer, and confirmed by affidavits, it appears that not *one-fifteenth part* of the Seneca nation are willing to go to the West; and this we believe to be the result of their own deliberate reflection, as strongly, and in a very affecting manner, expressed by one of their chiefs in the presence of the Secretary of War, at the late council held at Cattaraugus. Out of a population of 2,449 on the four reservations, there are only 138 who are willing to remove, including the children of parents in favor of emigrating.

But it has been maintained by the pre-emption company and their advocates, that those willing to emigrate have been deterred from signing the treaty through "fear," and the United States commissioner, R. H. Gillet, very plainly insinuates the same idea, where he says "those who, through *fear* or other cause, should prefer to sign the treaty *at his room*, might do so." Now, supposing that a majority of the chiefs *had* signed the treaty, and that such a majority implied a *majority of the people*, we see no cause why there should not be as much fear on the one part as on the other; for they are all Indians, and one party is no more entitled to the character of *savages* than the other. If, however, there is a consciousness of *perfidy* and *wrong* on the side of the *minority*, if it has yielded to improper influences, and, from selfish motives, has done what it could to drive from their native homes *fourteen-fifteenths* of their brethren and sisters, it is very reasonable to suppose *such minority* would be haunted with those fears, which are the usual concomitants of guilt. If the emigrating party is as anxious to go as the other is to stay, why should there not be as much fear in one case as the other? We consider the allegation of "fear" a pretext or an excuse for a *private* execution of the treaty, in violation of the established usages of the nation.

By the report of the Senate's committee, it appears to have been their opinion, that, in order to a fair expression of the national will, the signatures of the chiefs ought to have been affixed to the treaty in "open council." "If," say they, "these forty-four had signed the amended treaty in *open council*, the committee would consider that the requirements of the Senate had been complied with, at least with the *appearance* of having a majority." But, we have seen that only *sixteen* names, out of *eighty-one*, were thus obtained. On this principle, it was not *then*, nor is it *now*, a valid treaty.

We have seen by the census of the four reservations, that less than *one-fifteenth* part of the nation are in favor of removal; a con-

clusive evidence that the signatures reported by the United States commissioner do not fairly express the will of the people; and this fact carries with it a strong presumptive evidence that most of the chiefs who signed the treaty were influenced by other motives than the will of their constituents.

Under these circumstances, if there be real cause of *fear*, *that* fear should have reference to the period when they met their brethren beyond the Mississippi, suffering under a consciousness of *wrong*, and irritated by the difficulties and privations incident to a new settlement in an uncultivated wilderness.

But if the *emigrating party* really believe it would be for their *interests*, and for the interests of their children, to return to the habits and manners of savage life, their more liberal opponents would not interpose to thwart their views. In the late council at Cattaraugus, the non-emigrating party, in the presence of the Secretary of War, announced their willingness that "those who are willing to go, may go, and take their share of the common property." "We will not," said their official organ, "refuse them their share of whatever belongs to them." An offer so liberal and so just, we think, ought to satify them.

Under former administrations, it was a favorite policy of the government to promote the civilization of the Indians, and large sums were appropriated for that purpose. But many of our fellow-citizens now entertain the sentiment, and we have no doubt sincerely, that the Indian is an untamable savage, made for the wilderness, and only capable of subsisting in a state of nature! We think the sentiment is erroneous—that circumstances only, make the difference between them and the white men. Our ancesters, in the island of Great Britain, when the polished Romans invaded their territory, were as savage as the natives of our own country at the planting of the first colony in Virginia; they painted their bodies and clothed themselves in skins. Centuries rolled away; the example of a civilized state, with all its advantages, was before them, and yet they remained nearly as barbarous as when first visited by a Cæsar! Six hundred years after the invasion, they were far less improved in the arts of civilized life, than are our Indians, after the lapse of one-fourth part of that time. In the Seneca nation, the march of improvement in science and morals, as well as in their physical condition, is, perhaps, without a parallel in the history of our species! It is true much is yet to be accomplished—but the lights of experience shine on our path—the facilities of intercourse are astonishingly multiplied —and nothing, we think, is wanting to the consummation of our wishes, for the complete civilization of the New York Indians, but a faithful application of the means which a benevolent Providence has put into our hands, or placed within our reach.

We had fondly hoped that this small remnant of the once powerful nations, which, but little more than a century ago, peopled our

forests, and covered the face of our vast country, might have been permitted to enjoy in peace the small remains of their inheritance! We had hoped, that by the fostering care, and kind protection of our government, they might have been preserved to future generations, a fair specimen of our aboriginal race—a noble monument of the justice and magnanimity of our nation; and, we trust, that these hopes may not yet be wholly frustrated. In a national point of view, their removal can be no prominent object—they are few in number, and occupy little room!

In the peaceable possession of their lands and improvements, these Indians are entitled to the protection we ask for them, not only by the requisitions of mercy and justice, but by the express assurance of the government, whose faith has been solemnly and publicly pledged for that purpose. By an instrument of writing, under the hand of General Henry Dearborn, and seal of the War Office, dated March 17th, 1802, now more than thirty-seven years ago, it is among other things, declared, "that all lands claimed by and secured to the Seneca and Onondaga Indians, by treaty, convention, deed of conveyance, or Reservation, lying and being within the said United States, shall be and remain the property of the said Seneca and Onondaga Indians, for ever; unless they shall voluntarily relinquish or dispose of the same. And all persons, citizens of the United States, are hereby strictly forbidden to disturb the said Indian nations, in the quiet possession of said lands."

By those who desire the removal of the Indians, without regard to the means, it is contended, that a signature of the treaty, by a majority of the chiefs, ought to sanction its ratification. If such majority had signed it in the free and unbiased exercise of their judgment, we should not have appeared on the present occasion. We have no desire, either to prevent the Indians from pursuing their happiness in their own way, or to oppose the pre-emption company, in the pursuit of their interests, by just and honorable means. But, when questions, deeply affecting the rights of others, are to be decided by majorities, it ought to be presumed, that a *majority* of votes, on such questions, fairly represents the will of *a majority* of the people interested. To support a contrary opinion, would be to argue, that the will of a *minority* should govern in the case, and thus to remove the very foundation of all republican institutions. We are confident that our present rulers are not prepared, either in theory or practice, to support such a doctrine; and all we ask, in the present case, is, that the "amended treaty" may not be ratified, until, after a fair and impartial investigation, it shall appear that a *majority* of *the Indians* interested in the treaty, are in favor of its stipulations.

We thus express ourselves because of the high confidence we feel in the integrity of our government; a confidence supported and confirmed by its past action in reference to this treaty. A committee

of the Senate, in the report which has been before alluded to, has nobly sustained the sentiments of the memorialists. In that report they say, "If these forty-four had signed the amended treaty in open council, the committee would consider that the requirements of the Senate had been complied with, *at least with the appearance of having a majority;* but it is in vain to contend that the signatures of the last *ten*, which were obtained on the *second* mission, or of the *three* who have sent on their assent lately, *is such a signing* as was contemplated by the resolution of the Senate. It is competent, however, for the the Senate to waive the usual and customary forms in this instance, and consider the signatures of these last *thirteen* as good as though they had been obtained in open council. But the committee cannot recommend the adoption of such a practice in making treaties, for divers good reasons, which must be obvious to the Senate. Among those reasons against the *secret individual negotiations*, is the distrust created, that the chiefs, by so acting, are doing what a *majority* of their *people* do not approve, or are improperly acted upon by *bribery* or *threats* and *unfair influences.*"

To contemplate a forcible removal of the Indians, and the heart-rending scenes that must accompany such removal, is shocking to every sentiment of justice and humanity. To see a great and powerful nation, lending its aid to oppress the weak and helpless, must tend to loosen the attachment of the people to their government, and would do more to weaken the bond of our national union than all the enemies of a just people could ever effect. The United States, by the peculiar nature of their institutions, stand conspicuously before the world. On the purity of our national administration, in a great measure, depends, not only the happiness and prosperity of our own citizens, but, perhaps, the success of one of the most momentous and interesting experiments which has ever been exhibited to the view of mankind. The great question, whether in a collective capacity men are capable of self-government, is yet to be finally decided. The happy decision of that question depends upon the virtue of the nation. May the great Ruler of the Universe, in his boundless mercy, so direct the delegated authorities of our country, that in all their decisions involving the rights of others, they may be governed by the principles of truth and justice; for it is a maxim sanctioned by Divine authority, and in perfect accordance with universal experience, that "Righteousness exalteth a nation, but sin is a reproach to any people." And may the President, when he retires from the arduous duties of government, to the quiet enjoyments of private life, experience the highest reward of an upright statesman, "the inward consciousness that in all his movements he has honestly endeavored, by the worthiest means, to promote the best ends—the present and future welfare of his country and of mankind."

Signed on behalf of the said committees,

GRIFFITH M. COOPER,	*Genesee.*
WILLIAM S. BURLING,	
VALENTINE HICKS,	*New York.*
AMOS WILLETS,	
ABRAHAM BELL,	
ROBERT HICKS,	
SAMUEL J. UNDERHILL,	
BENJAMIN FERRIS,	*Philadelphia.*
JOHN WILSON MOORE,	
JOHN JACKSON,	
RICHARD PRICE,	
PHILIP E. THOMAS,	*Baltimore.*
PHINEAS JANNEY,	
WILLIAM E. BARTLETT.	

Eleventh month 2, 1839.

In the latter part of the First month last, our friend Griffith M. Cooper, returned from a mission to the Seneca Indians, with additional authentic evidences that the amended treaty had not been executed in conformity with the directions of the Senate. It was then deemed advisable again to address the President, and furnish him with this testimony. A delegation from the committees of the four Yearly Meetings, accordingly repaired to Washington with the following memorial:

To the President of the United States.

The committees of the four Yearly Meetings of Friends of Genesee, New York, Philadelphia, and Baltimore, who, by their delegates, waited on the President on the 1st of Eleventh month last, in behalf of the New York Indians,

Respectfully represent:

That in pursuance of their object, as expressed in their letter to the President, dated Eleventh month 4, 1839, they have taken such measures to ascertain *facts*, in relation to the execution of the amended treaty with the Seneca nation, as may assist the President to form a just conclusion on the subject. In our interview with the President, we understood him distinctly to say, that if he should be fully assured that a majority of their chiefs had not fairly signed that treaty, or authorized others to sign it on their behalf, he should not think himself at liberty to ratify it. The committees of those Yearly Meetings were already convinced, from a great mass of testimony of unquestionable character, that such majority had never so signed that instrument; but in order more fully to substantiate that opinion, they resolved, by a special mission, to investigate the

subject in a more formal manner. To be prepared for such an investigation, they addressed a letter to the Secretary of War, requesting him to furnish them with the names of all the chiefs attached to the treaty as amended. With this request he kindly complied, and by letter dated "Office of Indian Affairs, Washington, November 22, 1839," a list of those names was furnished the committees. Thus prepared, our friend Griffith M. Cooper, on our behalf, proceeded to the city of Buffalo, and opened to a few of the chiefs the nature of his errand. Wishing to forward the object of his mission, they called a council, and invited him to be present. A full examination of all matters connected with that object was then made; and after a laborious investigation, the following results were obtained, which we now lay before the President.

It appears, by reference to the amended treaty, that forty-one names are attached to it, *as chiefs* of the Seneca nation. Of these, there are six who were not then, nor are they now chiefs. Their names are as follows, to wit: Reuben Pierce, Jim Jonas, John Gordon, Charles Graybeard, John Hutchinson, and Charles F. Pierce.

The first two of these have never held any higher station than "runners." For evidence of this fact, we refer the President to the affidavit of Seneca White, dated December 11, 1839. Document No. 4.

That the aforesaid six Indians never were considered chiefs of the Seneca nation, and therefore had no authority or right, according to the laws or customs of the confederation, to sign any treaty whatever, is shown by the affidavit of sixty-seven chiefs, sworn before H. A. Salisbury, commissioner of deeds for Erie county, dated December 11, 1839. See document No. 2.

John Gordon, one of the said six Indians, swears that he never was a chief. See affidavit dated December 11, 1839. See document No. 3.

There are six other names of chiefs attached to the treaty, who solemnly swear that they never signed it, nor in any way authorized others to sign it on their behalf, to wit: John Tallchief, John General, Major Jack Berry, Samuel Wilson, John Bark, and Sky Carrier. See document No. 10, and other documents now in the Office of Indian Affairs at Washington; also Griffith M. Cooper's letter.

From the forty-one names attached to the amended treaty, deduct the aforesaid twelve, and there remain but twenty-nine names.

The emigration party say, there are in the Seneca nation—lawful chiefs	81
Of these, *six*, who have signed the amended treaty, are denied to be such by the non-emigration party, upon grounds before stated	6
Leaving undisputed chiefs	75

The non-emigration party say, there are in the nation—lawful chiefs - - - - - - - - - - - 91
Of these, sixteen are denied to be such by their opponents - 16

Leaving, as before, undisputed chiefs - - - - 75

Of these undisputed chiefs, only *twenty-nine* have signed the amended treaty; leaving of undisputed chiefs against it 46

Showing a majority against the treaty of - - - - 17
If all are admitted to be chiefs who are claimed by both parties, they amount to - - - - - - - - - 97
Of these, forty-one appear as sanctioning the treaty - - 41
Leaving a majority against the treaty of - - - - 16
But of the forty-one whose names appear upon the treaty, there are six who swear they never, in any way, sanctioned the treaty—deducting these, the majority would be - - 21

If all are admitted to be chiefs who are claimed by both parties, the whole number, as above shown, is *ninety-seven;* and a majority of this number is *forty-nine.* As only forty-one chiefs signed the treaty, it is clear that a majority did not sign it.

If, on the other hand, we reject the disputed chiefs, we find the number remaining to be seventy-five. In the 41, who are alleged to have signed the treaty, are the names of 12 disputed chiefs; leaving 29 who are not disputed, and who, of course, are not a majority of 75.

From this statement, it appears that, whether we try the issue upon the admission of all the chiefs claimed by both parties—and if they be admitted in one case, they must, in equity, be so in both—or whether we try it by admitting those only who are acknowledged by each party; in neither case will it be found that a majority of the chiefs have signed the treaty.

In our former communication we stated to the President that, out of a population of 2,505 Indians, men, women, and children, belonging to the Seneca nation, only 146 were professedly willing to remove. This fact shows that some powerful motive has been in operation upon many of the chiefs, inducing them to violate the will of the people, which, in duty, they were bound to consult. To that motive we distinctly pointed in our former memorial.

That the emigration party do not wish to remove, appears from the fact, that they have, in many cases, (probably in all,) by contracts with the pre-emption claimants, secured a home for life on the lands they now occupy.

In the council held by Commissioner R. H. Gillet, in the year 1838, although it was protracted for about four weeks, only fourteen acknowledged chiefs openly signed the amended treaty. All the other signatures were either obtained privately, or attached to it

without the consent of the chiefs, whose signatures they purport to be, or they were the signatures of persons who were not chiefs.

We hope and trust that when the President shall have considered these facts, and others exhibited in the various documents presented on this subject, he will see sufficient cause to withhold his assent to a treaty, which, if carried into effect under present circumstances, can hardly fail to exasperate a great majority of the nation, and may finally lead them to war and bloodshed among themselves.

Signed on behalf of said committees.

GRIFFITH M. COOPER, *Genesee.*
ABRM. BELL,
DOBEL BAKER,
SAMUEL SMITH,
THOMAS CARPENTER, } *New York.*
WM. WHARTON,
GEO. M. JUSTICE,
JOHN H. BUNTING,
JOSEPH WARNER,
BENJ. FERRIS, } *Philadelphia.*
P. E. THOMAS,
WM. E. BARTLETT,
JACOB LAPETRA,
PHINEAS JANNEY, } *Baltimore.*

Washington, First month 29, 1840.

On their arrival at the Seat of Government, they were informed by the Secretary of War, that the President had returned the treaty again to the Senate ; upon which it was thought proper to address that body on the occasion, and the following memorial was accordingly presented.

Memorial from a meeting of Friends in Genesee, New York, Philadelphia, and Baltimore, adverse to the treaty.

To the Senate of the United States:

The memorial of the joint committees of the four Yearly Meetings of the Friends of Genesee, New York, Philadelphia, and Baltimore,

RESPECTFULLY REPRESENTS :

That, ever since the settlement of Pennsylvania by William Penn, the Society of Friends have held the most friendly intercourse with the natives of our country. A friendship, arising from a reciprocation of benefits, has been maintained between them, without any interruption. It is now more than forty years since that society formed establishments on some of the reservations in the western part of New York. These establishments, having for their object the instruction of the Indians, in agriculture and the arts, with a view to their civilization, have been maintained at great expense of

money, time, and labor, which have had the effect to secure their confidence, and to cause them, when under difficulty or embarrassment, to apply to Friends for counsel and assistance. It is under these circumstances, and at their request, that we now appear before you.

A treaty made with the Indian tribes in that region, in the year 1838, was submitted to the Senate. With a view to protect and secure these Indians from improper influence, that body amended the treaty by making several important additions to it, and then passed the following resolution to wit:

"*Resolved*, That this treaty shall have no force or effect whatsoever, as it relates to any of said tribes, nations, or bands of New York Indians; nor shall it be understood that the Senate have assented to any of the contracts connected with it, until the same, with the amendments herein proposed, is submitted and fully explained by a commissioner of the United States, to each of said tribes or bands, separately assembled *in council*, and they have given their *free* and *voluntary assent* thereto. And if one or more of said tribes or bands, when consulted as aforesaid, shall *freely* assent to said treaty as amended, and to their contract as connected therewith, it shall be binding and obligatory," &c.

To your memorialists, it appears the Senate intended that the *execution* of the said amended treaty, as well as its *explanation*, should be done *in open council*. This course indeed was necessary, in order to fulfil the honorable intentions of the Senate, and, we may add, in order to make the treaty valid, according to the laws and customs of one of the contracting parties. For, with these Indians, it is an established rule, that the chiefs, *out of council*, have no more power to make contracts by treaty, than any other individual of the nation, unless when that power has been conferred upon them by the voice of the people in council assembled.

If, by directing that the treaty, as amended, should be "fully explained" in council, the Senate intended to prevent fraud and imposition, that intention would be wholly defeated by permitting a *private execution* of it; for we think it must be apparent that a *private execution* of the treaty opens a *wider door* for corruption and fraud than a *private explanation* of it. The truth of this conclusion, we believe, will be manifest to the Senate, by adverting to facts, proved by the various documents accompanying the treaty, as transmitted by the Executive.

In the resolution of the Senate, before quoted, there is no permission given for a *private* execution of the amended treaty, nor is there any allusion to such a mode of expressing the assent of the Indians to that instrument. It would seem that the commissioner at first understood the resolution as we do; for after making the necessary explanations of the amendments in open council, and protracting its sessions for about four weeks, he only obtained *sixteen*

signatures, *two* of which were of persons who were not chiefs. It was not until after he had failed in this mode to obtain a majority, that he resorted to the other, of which the Indians so much complain. By what authority he proceeded to obtain signatures *in private*, your memorialists have never been informed.

To us, it appears that the language of the resolution admits of but one construction, and contains *positive* testimony in favor of our position, that the Senate intended that the treaty should be executed *openly* in council. The Indians were to be assembled *in council;* it was to be fully explained to them *in council;* they were to be "consulted" *in council;* and freely to *assent* to its provisions *in council.* It seems to us that all these transactions were intended to be simultaneous, and all done *in open council.* Had the commissioner acted upon these views, great difficulties and much trouble would have been prevented.

This will abundantly appear by reference to the voluminous documents on this subject, already transmitted to the Senate, or yet remaining in the Indian Department; documents which, we think, will very clearly show the dangerous consequences of permitting solemn treaties to be executed *in a private and clandestine* manner.

The commissioner, finding the open mode of obtaining signatures to fail, proceeded to take them *privately.* And now a scene opened, perhaps unparalleled in the annals of negotiation. The means used to betray an ignorant and confiding people will be laid before the Senate; means which, if successful, might subject our Government to the suspicion of conniving at fraud, and thus tarnish the character of our country.

In the prosecution of this *private* course, *fifteen* more names were added to the treaty; now making thirty-one. Thus signed, it was transmitted to the Executive, who, not satisfied that the requisitions of the Senate had been complied with, refused to sanction it; upon which, the commissioner, returning to the Seneca nation, *privately* obtained *ten* more names, by which the number was augmented to "forty-one." In this state it was laid before the Senate. Its Committee on Indian Affairs, after a laborious investigation, and hearing testimony on behalf of both parties, made a report, in which they say: "This number has been increased by *three* additional names, which have been forwarded since the treaty has been under consideration, which increases the number of those who have assented to forty-four. If these 'forty-four' had signed the amended treaty *in open council,* the committee would consider that the requirements of the Senate had been complied with, at least *with the appearance* of having a majority. But it is vain to contend that the signatures of the last *ten,* which were obtained on the second mission, or of the *three* who have sent on their assent lately, is *such* a signing as was contemplated by the resolution of the Senate."

With these views your memorialists entirely coincide. Since that report, no action has been had in relation to the treaty, rendering this conclusion inapplicable to the case. The treaty remains as it then was, with "forty-one" signatures. If the conclusion of the committee was then correct, and applicable to the circumstances stated, it is equally so now; and its execution is still *not such* "as was contemplated by the resolution of the Senate."

But since that able and lucid report was made to the Senate, *other* facts and circumstances, then unknown to that committee, have been brought to light, demonstrating the truth of its statements and the correctness of its reasoning. With these we shall not now trouble the Senate, but refer it, for proof of our assertions, to the documents before mentioned.

The natives on the four reservations yet in the tenure of the Seneca Indians, are a remnant of the powerful confederation of the Six Nations, which, since the landing of our forefathers, have swayed the sceptre of authority over the northern part of this continent. They are nearly the last of the aboriginal race who are left east of the Mississippi, to tell the sad tale of European treachery, of the vices and the butcheries which have reduced them to weakness and poverty. The lands they now occupy are a small residue of their once vast territories. These lands, by the authority of our Government, have been solemnly guarantied to them, to be held in peace, and without molestation, for ever, or until they shall *freely and voluntarily* relinquish the same. That time has not yet come. Out of 2,505 Indians yet on these reservations, only 146 are consenting to remove. Their progress in civilization and the arts of life, made within a few years, have been unparalleled in any former time. The Society of Friends have long had, and still have, a settlement among them, and agents to instruct them in letters, in agriculture, and mechanical employments. These attempts have been successful beyond our expectations, although much impeded by the unsettlement, arising from frequent efforts, on the part of the whites, to obtain possession of their lands. Were such interference entirely to cease, we have no doubt their improvement would be greatly accelerated, and the time would be hastened when we might point to at least *one* successful experiment for the complete civilization of our native red men. Protection from such interference is all we ask from the Government; and from the honorable course it has hitherto pursued in relation to the late treaty, we hope and trust that our present application will not be in vain.

Signed on behalf of the said committees.

GRIFFITH M. COOPER, *Genesee.*
ABRAHAM BELL,
DOBEL BAKER,
SAMUEL SMITH,
THOMAS CARPENTER, } *New York.*

JOHN BUNTING,
BENJAMIN FERRIS,
JOSEPH WARNER,
WILLIAM WHARTON, } *Philadelphia.*

P. E. THOMAS,
JACOB LAFETRA,
ISAAC TYSON,
MOSES SHEPPARD,
JOHN GILLINGHAM,
WM. E. BARTLETT, } *Baltimore.*

WASHINGTON, *First month* 29, 1840.

It appears by the message from the President to the Senate, dated January 13th, 1840, transmitting again the amended treaty, that, in *his* judgment, the most objectionable circumstances urged by Friends, to invalidate that instrument are well founded. He expressly declares, that "The provision of the resolution of the Senate of the 11th of June, 1838, *requiring the assent of each of the said tribes of Indians, to the amended treaty, to be given in council*, and which was also made a condition, precedent to the recommendation to me, of the 2d of March, 1839, to carry the same into effect; *has not therefore been complied with, as it respects the Seneca tribe.*"

With reference to the transactions in council at Cattaraugus, in the Eighth month, 1839, before alluded to, he also declares, that "*No advance towards obtaining the assent of the Seneca tribe to the amended treaty, in council, was made: nor can the assent of a majority of them in council, be now obtained.*"

In allusion to the charge of *bribery*, the evidences of which are overwhelming, the President says, "*That improper means have been employed to obtain the assent of the Seneca chiefs, there is every reason to believe; and I have not been able to satisfy myself, that I can consistently with the resolution of the Senate of the 2d of March*, 1839, *cause the treaty to be carried into effect, in respect to the Seneca tribe.*"

Thus three of the most prominent and important points, urged by Friends, against the validity of the treaty, have been sustained by the President.

1st. That "the resolution of the Senate of the 11th of June, 1838," did require that the amended treaty should receive the assent of the chiefs *in open council.*

2d. That such assent never was given, *according to the directions of the Senate, by a majority* of the chiefs.

3d. That *improper means* have been employed to obtain the assent of the Seneca chiefs to the amended treaty.

It is declared on high legal authority, that "All deceitful practices, in defrauding or endeavouring to defraud another of his known right, by means of some artful device, contrary to the plain rules of common honesty, are condemned by the Common Law, and punishable according to the heinousness of the offence." "It is also a rule, that a wrongful manner of *executing* a thing, shall avoid a matter, that might have been executed lawfully." Coke Litt. 35, 36. Rol. Abr. 420, 459. Poph. 64, 100. Dyer, 295.

The act of obtaining signatures to a treaty out of council, in a *secret* manner, is not only contrary to the laws and customs of the Indians,—it is opposed to the practice of every nation on earth, where the will of the people is the ground of political action. What would the citizens of the United States say, if their national domain were to be alienated, by its Senators, in a hidden or clandestine way, by a treaty executed in taverns, or private houses? And what would they say, if it were discovered that this transaction were brought about by bribery and corruption; and was contrary to the known will of more than sixteen-seventeenths of the whole nation? These questions need no answer. The sentence of reprobation is spontaneously pronounced on such iniquity by every upright mind; and yet this is the conduct supported and sanctioned against the poor Senecas; a people once, indeed, mighty and terrible, but now weak and defenceless. Well may the humble believer in an overruling Providence "tremble for his country, when he reflects that God is just, and that his justice cannot sleep for ever."

The documentary evidences which follow will render it unnecessary to go more minutely into the subject. We regret to state that with all these evidences of illegality and unfairness in procuring and executing the amended treaty, there was found in the Senate a sufficient number of its members, *with the casting vote of the Speaker*, to declare to the world, "that, in the opinion of the Senate, the treaty between the United States and the Six nations of New York Indians, together with the amendments proposed by the Senate of the 11th of June, 1838, have been satisfactorily acceded to, and approved of by the said tribes, *the Seneca tribe included.*"

Notwithstanding this decision of the Senate, considering

that out of the whole number of its members, only nineteen had declared themselves in favor of the treaty, the joint committees have not believed that the cause in which they have been engaged ought to be abandoned. The Society of Friends, since the settlement of Pennsylvania, has ever felt itself bound by the ties of Christian affection, that holy principle which binds man to man, as the offspring of one common Father, to aid and protect the natives of the land. From them our ancestors, under the government of William Penn, met with a friendly reception when strangers in a wilderness country, and were often assisted by them in times of difficulty ; and as well under a sense of gratitude as of religious duty, the committees charged with this concern, in common with our fellow members, have felt and continue to feel a deep sympathy with the New York Indians in their present suffering state.

Under this feeling, on the 28th of the Fifth month, the joint committees of the four yearly meetings met in the city of New York. At this meeting we were informed that a delegation from the Seneca nation desired to have an interview with Friends at Farmington, during the week of Genesee yearly meeting, whereupon a committee of sixteen of our number was nominated to attend to that service.

The committee attended to their appointment, and on the 17th of Sixth month met the Indians at Farmington, present five chiefs and two interpreters. After receiving several interesting communications from them, the committee adjourned to meet again on the 18th, at 8 o'clock, A. M.

The committees accordingly met, and on deliberate attention to the present trying circumstances of the natives, it was with unanimity agreed that they be advised quietly to remain on their present Reservations, and demean themselves in a peaceable, unresisting manner. A committee was then appointed to draft an address to the Seneca nation, embodying the substance of our present conclusion: and the committees adjourned to meet again at 8 o'clock on the following morning.

Sixth month, 19th, the committees again met ; several Indians from the Seneca nation having arrived since our first meeting; the head Sachem of the Seneca tribe, six other chiefs, and two interpreters sat with us. They presented us with the following address from the Tonewanda Indians.

To the members of the Committees on Indian concerns for the Religious Society of Friends about to meet at Farmington.

Brothers,

We whose names are signed to this paper, belong to that portion of the Seneca nation of Indians that reside at Tonewanda.

By the help of the Great Spirit, we have met in open council this 23d day of Fifth month, 1840, for the purpose of deliberating on the right course for us to pursue under the recent *act* of the Government of the United States, relating to our lands.

Brothers. We are in trouble. We have been told that our land was sold. We again solicit your advice and your sympathy.

Under the accumulating difficulties and trials that now seem to surround us, we feel more than ever our need of the help of the Great and Good Spirit to guide us aright. May his counsel ever guide and direct us all in true wisdom. It is known to you, brothers, that at different times our nation has been induced to cede by stipulated treaty to the United States, various tracts of our territory, until it is now so small that it only affords us a home.

We hoped by these liberal concessions to secure the quiet and unmolested occupancy of this small residue. But we have abundant reason to fear that we have been mistaken.

The Agent and Surveyor of a company of land speculators, known as the "Ogden Company," have been on here, to lay out our land, for the purpose of selling it off. We have protested against their proceeding, and have forbid them until after a general council to be held at Buffalo in four days.

Brothers. What we want is that you should intercede with the United States Government in our behalf. We want you to know, and we want the government and people of the United States to know, in the first place, that we have never signed a treaty to give up our lands.

That of the six hundred Indians who compose this tribe, *one* Indian only has signed it, and he resides at Buffalo.

That this *treaty*, which we are told has been ratified by President Van Buren, we know and are sure is a fraudulent one.

That Ransom H. Gillet, the government's agent, violated the good faith of the government and a law respecting the ratification of treaties, by applying to Indians at their houses, some of them upon their sick beds; also on the highways and at taverns, and offering them money if they would sign said treaty.

That in the general council convened at Buffalo, for the express purpose of considering this treaty, sixteen chiefs only were in favor of signing it, and sixty-four were decidedly opposed to it.

That Jimmy Johnson, the head chief of the Seneca nation, never signed that treaty, and the putting of his name to the treaty, whether by the agent or some one else, was a forgery.

Brothers. We want the President to know that we are for peace, and that we only ask the possession of our rights.

True we are small in number, but we only ask for justice. We want to be allowed to live on our land in peace. *We love Tonewanda.* We have no wish to leave it. It is the residue of the land of our fathers. Here we wish to lay our bones in peace.

Will our brothers inform us whether General Dearborn in signing this treaty, intended that all the lands belonging to this nation were included in it, or only the lands belonging to those that signed it; we are willing that the emigration party should sell their land, but we are not willing that they should sell ours.

Will our brothers also inform us whether the Governor of Massachusetts has ever signed this treaty.

Brothers. We are determined to keep to our lands till our friends send us information and advice, which we want immediately. We want the surveyors to be kept from our land.

Brothers. In conclusion we thank you for your friendly assistance heretofore, and earnestly solicit your further advice and assistance.

Signed.

JOHN LUKE, formerly head chief,	his x mark.
JOHN BLACKSMITH, chief,	his x mark.
JIMMY JOHNSON, present head chief,	his x mark.
BLUE SKY, chief,	his x mark.
BLACK CHIEF, chief,	his x mark.
JOHN SKY, chief,	his x mark.
JESSE TIFFINY, chief,	his x mark.
JOHN BIGFIRE, chief,	his x mark.
WM. WASHINGTON, chief,	his x mark.
LEWIS POODRY, chief,	his x mark.
SAMUEL PARKER, chief,	his x mark.
WILLIAM JAMES, chief,	his x mark.
ISAAC SHANKS, chief,	his x mark.
DANIEL SPRING, chief,	his x mark.
JESSE SPRING, chief,	his x mark.
LEWIS KENEDY, chief,	his x mark.

THOMAS JEMISON, } Interpreters.
WILLIAM CLINT, }

ASA CARRINGTON, } Witnesses.
STEPHEN ATWATER, }

The committee appointed to draft an address to the Seneca nation, then, by an interpreter, read to them the following communication.

To the Seneca Nation of Indians in the State of New York.

Brothers,

At our meeting the day before yesterday with the delegates of

the Seneca nation, they informed us that they wished to have our advice in relation to their present distressing circumstances.

Brothers. The friends you see before you, are a delegation from the four Yearly Meetings of Genesee, New York, Philadelphia, and Baltimore. Many of us have travelled several hundred miles to come and see you, and to talk with you, and to confer together, with prayer, that the *Great Spirit* might give us wisdom, and light, that we might find out, and see plainly, the right path for us and you to walk in.

Brothers. We have considered your request that we would give you council and advice. We have looked all around us for a right way, and a safe path for the *Indians* to walk in, and we now give you our advice. You say that the Seneca nation has not sold its lands. You assure us that the treaty lately ratified by the Senate of the United States, was not executed according to the conditions solemnly adopted and prescribed by that body. You say that it was not signed by a majority of your lawful chiefs. You have told us that many who did sign it, were bribed by large sums of money, to induce them thus to act, contrary to the will of your people; you also tell us that some of the names signed to the treaty are forgeries; and that under these circumstances you are not willing to leave your lands, which the Great Spirit gave you, and which the Government of the United States, by treaties with your people, have assured to you in the most solemn manner.

Brothers. We have understood, that notwithstanding all that you say, and which we believe to be true, the Senate of the United States has ratified the treaty, and that the President has proclaimed it as the law of the land.

Brothers. We cannot advise you to resist by force, even an unjust decree. To do so would be wrong. That path is a bloody path, it is strewed with the dead and the dying. The Great Spirit leads none of his children in that path.

Brothers, listen. The Great Spirit loves quiet, peaceful children, and when they walk in his path, he is always near them—he hears all their crying—he sees all their affliction and distress, and in his own time, which is the best time, he sends them relief in his own way, which is the best way.

Brothers. We think it best for you, at this time, to remain peaceably and quietly on your land, keep as much as possible at your homes, till your ground, take care of your stock, provide for your families—let your children be taught useful learning. As much as possible live peaceably with all men.

Brothers. The Society of Friends have felt much sympathy with your people,—we have heard with great pain of the wrongs and injuries which have been heaped upon you. We have seen your tears, and we have wept for you. We have remembered the kindness of your fathers to our fathers when you were a strong people,

and we were few in number, and very weak: and we now wish to do all we can to help you. We have at this time concluded to address the Governor of Massachusetts, the Governor of New York, and the House of Representatives of the United States, on your behalf.

Brothers. We now bid you farewell: and in doing so we wish to inform you that we will not forget our red brethren, but intend, with the help of the Great Spirit, to continue our efforts to aid them, and to promote their present and future welfare.

Signed by the delegates from the committees of the four Yearly Meetings aforesaid,

RACHEL HICKS, Jr.
MARIA FARRINGTON,
DOROTHY GOLDEN,
DEBORAH WHARTON,
GRIFFITH M. COOPER,
WM. S. BURLING,
ABM. BELL,
NATHANIEL STARBUCK,
DOBEL BAKER,
WILLIAM WHARTON,
BENJ. FERRIS,
GEORGE M. JUSTICE.
JOSEPH WARNER,
PHILIP E. THOMAS,
JNO. GILLINGHAM.

Farmington, N. Y., Sixth month 19, 1840.

Having in the foregoing communication expressed to the Indians our intention of addressing the Governors of New York and Massachusetts, and memorializing the House of Representatives of the United States, on their behalf, and sub-committees having been appointed for that purpose, the following documents were prepared, which they were requested to present, in conformity with the conclusion of the joint committees.

Memoranda for the use of the Committee appointed to wait on the Governor of the State of New York.

The committee to wait on the Governor of New York, are desired to represent to him the distressed situation of the Indians, and earnestly to invoke his interposition for their relief, as far as he can constitutionally exercise his authority. They will also represent to him that, as under the treaty the Indians have five years allowed them to depart, they certainly should during that time remain unmolested; yet already they are harrassed by injunctions interrupting their business, and disturbed by surveyors running lines over their lands, and dividing it off into lots. Amongst other instances of vexatious annoyance, one of their most respectable chiefs has been interrupted from completing an improvement he was making on his own house.

These proceedings naturally keep them in a state of aggravated excitement, and may lead to violence. It is supposed that as the State of Massachusetts did, in the agreement made relating to these lands, now occupied by the Indians, acknowledge that the absolute right of sovereignty and jurisdiction over them, was in the State of New York, its executive authority has the legal power to extend to the Indians, the same protection that is accorded to the inhabitants of any other part of the State.

And the Governor's attention is requested to the deed of sale—that he may consider whether the Tuscaroras can convey their lands, purchased with their own money, without the consent of the Government of New York; and whether a fraudulent deed, obtained of the Senecas, may not be set aside, the fraud being proved.

To the Governor and Council of the State of Massachusetts, the Memorial of the Subscribers, on behalf of the Joint Committees of the Four Yearly Meetings of Friends of Genesee, New York, Philadelphia, and Baltimore, respectfully represent that,

When the agreement or compromise was concluded, in the year 1786, between the States of New York and Massachusetts, in relation to their respective claims to certain lands in the former State, the worthy Representatives of the latter most benevolently provided, that no purchase of those lands, or any part of them, from the Indians, should be valid "unless the same shall be made in the presence of, and approved by, a Superintendent, to be appointed for such purpose, by the Commonwealth of Massachusetts, having no interest in such purchase, and be confirmed by the Commonwealth of Massachusetts."—(See Massachusetts Record.)

Thus, at the time, and by the instrument of agreement, in which Massachusetts parted with her right of sovereignty over the I dian lands, she expressly reserved to herself a right to guard and protect the poor unlettered natives, from the arts and the frauds of those who might be disposed to wrong them. This right to guard and protect the weak and defenceless aborigines, she has, with a laudable zeal, constantly claimed and most benevolently exercised from that time to the present.

When the deeds of sale from the Seneca and Tuscarora Indians, to Ogden & Fellows, bearing date January 15th, 1838, were sanctioned by the Governor and Council of Massachusetts, it was not known to them that these contracts were obtained by unfair means, or, it is fair to conclude, that they would never have sanctioned them.

The Indians charge the other parties to these contracts with bribery, menace, forgery and falsehood, and so strong and ample have been the proofs adduced to support these charges, that the late Committee of the Senate of the United States, in their report to that body in the early part of the present year, unanimously recommended

the rejection of the treaty,—(Proceedings of Senate, March 5th 1840.)

The President of the United States, in his Message to the Senate, dated January 13, 1840, returning again the treaty to that body, declares that "the provision of the resolution of the Senate of the 11th of June, 1838, requiring the assent of each of the said tribes of Indians to the amended treaty, to be given *in council*, and which *was also made a condition*, precedent to the recommendation to me of the Senate, of the 2d of March, 1839, to carry the same into effect, has not therefore been complied with." The President, in the same Message, also declares, that in a council held with the Indians last summer by the Secretary of War, "no advance towards obtaining the assent of the Seneca tribe, to the amended treaty, was made, nor can the assent of a majority of them in council, be now obtained." In allusion to the charge of bribery, the President says "That improper means have been employed (to obtain the assent of the Seneca chief to the amended treaty) there is every reason to believe; and I have not been able to satisfy myself that I can, consistently with the resolution of the Senate, of the 2d of March, 1839, cause the treaty to be carried into effect, in respect to the Seneca tribe."

Had all the circumstances of fraud and unfairness been developed to the Governor and Council of Massachusetts which have since come to light, it is presumed that as the lawful guardians of those Indians, the deeds conveying their lands would not have been sanctioned.

That the assent to the amended treaty was to have been given in council, is clear from the plain words of the Senate's resolution of June 11th, 1838, and in the deed which was sanctioned as aforesaid, it is declared, that the treaty was held in council, and that then the chiefs and head men on behalf of the Senaca nation did agree to sell. (Doc. p. 49.) Whereas it has since been discovered, that the deed was not agreed to in council,* and it has been ascertained by two several censuses that not one-fifteenth part of the nation are in favor of the sale. The truth is, that neither the treaty nor the deeds have been legally or fairly obtained.

The treaty of January 15, 1838, and the deeds before alluded to, bearing the same date, were originally connected together, and formed together one great plan for removing the Indians out of the State of New York. The treaty provided a home for them beyond the Mississippi: the deeds provided for the relinquishment of their lands to the Ogden Land Company. Thus connected, Massachusetts ratified the deeds. But afterwards the treaty and the contracts of sale were submttted to the Senate; and that body found the treaty so defective that they refused to ratify it, and afterwards so

* Appendix, No. 6, Gillet's Letters.

thoroughly changed it, that in the language of the distinguished Senator, then Chairman of the Indian committee, "they made nearly a new treaty of it." (See Sevier's speech.)

The Senate then adopted a resolution declaring, that the treaty, as amended, should have no force or effect. Nor should it be understood that the Senate had consented to any of the contracts connected with it, "meaning the deeds which had been before ratified by Massachusetts," until the same had been submitted and fully and fairly explained to each of said tribes or bands separately assembled in council, and they had given their free and voluntary assent thereto."

In pursuance of this resolution, the treaty was afterwards submitted to the Indians in council, and after being explained, only 16 out of 81 chiefs would sign it; but more than 60 of them, in presence of the Commissioner from Massachusetts, signed a formal dissent and protest against it, which was witnessed by General Dearborn. Doc. p. 174.

The deeds of conveyance, or contracts as they are called, were never afterwards laid before the Indians, as directed by the Senate. Nor was an assent to them as connected with the amended Treaty, ever obtained by the Seneca Nation: so that the sanction of Massachusetts was never given to a sale of the Indian Lands under the amended treaty; which we think is essential to the validity of the sale, and which we also think Massachusetts, as the undoubted guardian of that people against all fraudulent transfers of their land, has a right to demand. Massachusetts might very consistently sanction a deed of sale connected with the provisions of *one treaty*, which she might very properly reject connected with a Treaty of a different character. Governor Everett, in this view of the subject, declared, that unless the amendments made to the treaty, and which had changed its character, were assented to by the Indians, he should consider the contracts for the sale of their right of possession null and void. Doc. p. 60.

We therefore respectfully ask of the Governor and Council of the State of Massachusetts, that they would take the subject into their solemn consideration, and take such measures in the case, as they in their wisdom may deem expedient, and as the guardians of the Indians as aforesaid, they may consider their duty demands.

Signed on behalf of the said committees.

BENJ. FERRIS,
ABM. BELL,
AMOS WILLETS.

New York, Sixth month 25th, 1840.

To the House of Representatives of the United States.

The memorial of the several committees on Indian concerns, ap-

pointed by the four Yearly Meetings of Friends of Genesee, New York, Philadelphia, and Baltimore, respectfully represents,

That the Society of Friends, from a religious concern for the welfare of the Indians in the State of New York, have for many years been engaged in promoting their civilization and improvement. Under this concern we have had establishments among them, and agents residing on some of their Reservations, to instruct them in agriculture and other arts of civilized life. It is by their desire we now solicit your attention.

These Reservations being the small remnants of their once extensive territory, were by a treaty, made between the Six Nations and our Government, in the year 1794, solemnly guarantied to them and their descendants, as a home and inheritance for ever.

As the white population of our country extended their settlements towards these Reservations, they became enhanced in value, exciting the cupidity of land speculators, and urging them by various means to remove the Indians, in order to possess themselves of their lands.

Alarmed and agitated by these movements, the Seneca and Onondaga Indians applied to our government for its interposition and protection in fulfilment of the guaranty stipulated in the said recited treaty. Faithful to its contract, and prompt in the performance of it, a proclamation was immediately issued by the authority of the President of the United States, under the hand of H. Dearborn, then Secretary of War, dated March 17th, 1802, strictly forbidding all persons, citizens of the United States, to disturb the said Indians in the quiet possession of their lands. And declaring that "all lands claimed by and secured to the said Seneca and Onondaga Indians, by treaty, convention, deed of conveyance or reservation, being within the limits of the United States, shall be and remain the property of the said Seneca and Onondaga Indians for ever, unless they shall voluntarily relinquish or dispose of the same."

Within the last ten years these attempts have been renewed, and strenuous exertions made to get possession of these lands. For this purpose no means which ingenuity could devise, or large pecuniary resources and untiring perseverance accomplish, have been unessayed. Under the operation of such powerful agents, a treaty has been procured, and executed, under circumstances which we think ought to claim the serious attention of our Representatives in Congress. *That* treaty, we most surely believe, is tainted with *fraud;* and if carried into effect, will be, not only extremely oppressive to the poor defenceless Indians, but injurious to the character of our country.

The President of the United States, in his recent message to the Senate, dated January 13th, 1840, returning this same treaty to that body, says, "that *improper means* have been employed to obtain the assent of the Seneca chiefs, *there is every reason to believe,*

and I have not been able to satisfy myself, that I can, consistently with the resolution of the Senate of the 2d of March, 1839, cause the treaty to be carried into effect, in respect to the Seneca tribe."

The committee of the Senate on Indian affairs, after a long and laborious investigation of the evidence before them, and of the facts and circumstances connected with this treaty, reported, it is understood, unanimously, against its ratification, on the ground that *it had not been assented to by the said Indians, according to the terms of the resolution of the 11th of June*, 1838.

The Senate finally ratified it, by the casting vote of the Speaker, in a thin house, only nineteen members voting in its favor.

Although we believe there is ample evidence to prove the *fraudulent* character of this treaty, and that its execution will be grossly unjust and oppressive to the Seneca nation, yet it is far from our intention to throw the least censure on the Senate, or on any of its members. We are aware that the effects of testimony on the minds of men of unquestioned integrity, are very different; our object in soliciting the attention of the House to the subject, is not to censure, but that the evidence in the case may be examined by your branch of the Legislature.

By the Constitution of the United States, the treaty-making power is vested in the President and Senate. By the same constitution, no money can be drawn from the treasury but by appropriations made by law, and no law can be passed without the concurrence of both branches of the Legislature. Thus, over all treaties made by the President and Senate, the House of Representatives has a control, by the power it possesses under the Constitution of withholding the means to carry such treaties into effect. If, on an investigation of the treaty in question, and the circumstances attending its execution, the House shall be satisfied that it was *not fairly obtained;* if it shall believe that to enforce it would be derogatory to the character of our country, as an honorable, just, and upright nation, it may refuse to grant the supplies necessary to carry it into effect, and thus save the country from the odium which must attach to any government that deliberately does wrong.

There is one feature in the character of this negociation with the New York Indians, which we think ought to claim the particular attention of your body, as *the guardians of the public treasure.* By that treaty four hundred thousand dollars of the *public* money and one million eight hundred and twenty-four thousand acres of the *public* lands, are to be given to the New York Indians, as an inducement to relinquish their possessions in the State of New York, *for the benefit of the Ogden Land Company.*

To your memorialists it appears that under this treaty, the Government gives away a vast amount of property, without any equivalent! It may well be asked, What advantage can accrue to the public from the removal of the New York Indians? As it regards

the people of the United States, under whose authority the treaty is said to be made, and from whose resources the means to carry it into effect are to be drawn, it may safely be answered, *none.* In a national point of view, it is a matter of perfect indifference whether the New York Indians remove or do not remove ! Why then should our representatives appropriate such a vast amount of money and property to an object, *in which the community has no interest ?*

We forbear to go further into the merits of the case. We would not unnecessarily take up the time of the House. We only ask for a thorough investigation of the subject, and that, if after such investigation it should appear that the treaty cannot be carried into effect, without injustice to an unoffending people, and an improper expenditure of the *public treasure*, the House may refuse to make any appropriation for that purpose.

Signed on behalf of the said committees.

BENJ. FERRIS, *Clerk.*

Seventh month 8th, 1840.

The committee appointed to prepare a memorial to the House of Representatives, believed it right at the same time to address a letter to the President of the United States, which they did, a copy of which is as follows, to wit :

To Martin Van Buren, President of the United States :

Under the circumstances in which the Society of Friends, who for many years past had extended aid to the Indian natives residing in the western part of the state of New York, now find themselves placed, both as regards their existing relations with these Indians, and their position towards the general government, the undersigned, on behalf of the committee who heretofore addressed the President of the United States, deem it respectful to the President fully to acquaint him with the measures taken by Friends in reference to these people, since the amended treaty with them was declared by the Senate to have been ratified, and has been proclaimed.

On the annunciation to the Indians of this result, consternation and gloom were every where spread over their villages. Relying upon the protection of the government and the justice of their cause, they were not, after the disclosures that had been made of the means employed to obtain that treaty, prepared for the issue, and, on being apprised of it, they manifested the deepest distress. In the pathetic language of one of their chiefs, addressed to us, " their women were seen on all sides weeping in their houses, along the roads as they passed to their occupations, and in the fields whilst employed in their labors."

As soon as they had time for reflection, a general council was called for the purpose of taking into consideration their situation.

and, after much deliberation, they came, as we have been informed, to the conclusion, whatever might be the consequences, that they would in no event voluntarily remove to the country allotted for them west of the Mississippi, and that, if driven off by violence, they should accept the invitation they had received to join their friends in Canada, and remove there.

Before dissolving the council, they agreed again to memorialize the executive of Massachusetts, and also of New York, and to petition Congress with the view of once more stating their grievances, and imploring relief so far as either of those authorities might yet be able and disposed to extend protection to them. They also solicited an interview with Friends, which was granted to them, and several of their chiefs, by arrangement, met our committee at Farmington, in the state of New York, on the seventeenth of last month, when, after making a full and unreserved disclosure to us of their present difficulties and purposes, they earnestly solicited our assistance and advice.

On this occasion they reiterated their statements in regard to the means that had been taken to inveigle them out of their lands, their objections against removing to the country that had been designated for their residence beyond the river Mississippi—their intention never to abandon their present homes unless compelled by force to do so, and their conclusion, should this be done, to retire into Canada, and join their nation there.

The committee, after due consideration of the objections urged by the Indians to removing upon the lands that had been appropriated for them in the west, believing, as they did, that these objections were well founded, could not advise them to go there, and for many grave reasons could not recommend them to go into Canada; they therefore declined advising them to do either the one or the other, and addressed to them the following communication in reply to their application to us. [See Address, pages 43, &c.]

The committee are sensible of, and duly appreciate the very respectful attention which their applications to the President on behalf of these Indians have received, and they feel it to be due to the President to give him such information as they possess, and a full statement of the part taken by them in regard to this matter. They have witnessed the heart-rending distress of these greatly wronged people, and have sympathised in their afflictions, and under an apprehension that it was their duty to assist them, they have extended such aid as they were enabled to afford them, consistently with our well known pacific and non-resisting principles. Under these views and impressions, the Society of Friends have faithfully made known their case to those who had the power to protect and to do them justice; whatever, therefore, may be the consequences of the measures that have, or may hereafter be pursued towards these injured people, the committee trust that the responsibility may not attach to us.

The condition of this small remnant of a once numerous and powerful nation is calculated to awaken the commiseration of every benevolent mind—after being hunted down and oppresssed, as the race has been from generation to generation, they now find themselves about to be dispossessed of the last pittance of their once widely extended domain, and driven into a distant country, which they fully believe is altogether unsuited to their condition and habits, and where they apprehend that poverty, disease and misery await them. Many seem to desire that death would at once terminate their sufferings, rather than that they should, by a compulsory removal, be forced into a barbarous and remote country where they must sink under the lingering miseries which they believe will there follow them.

Under these circumstances, it is most respectfully suggested to the President whether, instead of forcing them to a place against which they feel such strong objections, or perhaps driving them into a neighboring colony, where, under some circumstances, they might become very dangerous neighbors, it would not be best, if these people must be removed, to allow them to select for themselves, from the vast unoccupied territories of the United States, a residence to which they could be induced voluntarily to emigrate, and where they might reasonably hope to obtain a subsistence, and remain unmolested under the protection of the United States, and be accessible to their friends who would desire to extend assistance to them. Should they be able to find such a country, and be permitted to go there, the committee doubt not but that their friends would afford their co-operation in effecting so desirable a purpose.

Signed on behalf of the said committee,

PHILIP E. THOMAS,
BENJ. FERRIS.

Wilmington, Seventh month 7, 1840.

APPENDIX.

[No. 1.]

LETTERS OF CORRESPONDENCE.

Respected friend—J. R. Poinsett:—Considering the importance of thy time, and the pressing nature of thy engagements at this season of the year, it is with reluctance that I venture to address thee on the present occasion. The weighty nature of the subject, and its importance to thousands of our fellow creatures, is, however, my best apology, and I feel assured that thy kindness will acquit me of any desire improperly to intrude on thy attention.

Thy letter of the 18th inst. was duly received, and was satisfactory. It would have been acknowledged sooner, but for the necessity I was under to submit its contents and the following views, to the Friends, on whose behalf I now write. We now acknowledge thy kindness in complying with our requests.

In the late interview with the President of the United States, he asked, what were our views of the *requisitions* contained in the Senate's resolution of Third mo., (March) 1839? As I had not seen a copy of that Resolution, I could not, on behalf of my friends, express an opinion on that point. But we had expressed, in our memorial, an opinion in relation to the requirements of that body, in their resolution of Sixth mo., (June) 1838. It appeared clear to us, from the language of that resolution, that the Senate *did* intend the amended treaty should be *signed in open council.* Since the interview aforesaid, we have been furnished with a copy of both resolutions, and have reviewed them attentively, and our opinion as expressed in the memorial remains unaltered. In order to illustrate our views, we will refer to the language of both documents.

The resolution of Sixth mo., (June) 1838, holds the following language, to wit:

"Provided always, and be it further Resolved, That this treaty shall have no force or effect whatsoever, as it relates to any of said

tribes, nations, or bands of New York Indians ; nor shall it be understood that the Senate have assented to any of the contracts connected with it, until the same, with the amendments herein proposed, is submitted and fully explained by a Commissioner of the United States, to each of said tribes or bands, separately assembled in council, and they have given their free and voluntary assent thereto ; and if one or more of said tribes or bands, when consulted as aforesaid, shall freely assent to said treaty as amended, and to their contract, connected therewith, it shall be binding and obligatory, &c. &c."

To us it appears that the Senate intended the whole transaction should be " in council." There is no expression or intimation in the resolution of any other course : no authority given for a *private* execution of the treaty, nor any allusion to such a mode of expressing the assent of the Indians to that instrument. It would seem that the United States Commissioner *at first* understood the resolution as we do ; for, after making the necessary explanation of the amendments in *open council*, he offered the treaty to the chiefs for their signature, and obtained sixteen names. It was not until after he had failed in this mode of gaining a majority, that he resorted to the other, of which the Indians so heavily complain.

But we do not wholly rely on *negative* testimony, to support our views : to us it appears that the language of the resolution admits of *but one construction*, and contains *positive* testimony in favor of the position we have taken on this point.

It will have been observed that the Senate, in their resolution, say, " And if one or more of said tribes or bands, *when consulted as aforesaid*, shall freely assent to said treaty as amended, and to their contract as connected therewith, it shall be binding, &c." The Indians were to be assembled *in council*—the treaty and the amendments proposed were to be explained to them *in council*—and at the time " when" " consulted as aforesaid," that is *in council*, if they should freely assent to said treaty as amended, and to their contract therewith connected, it was to be binding, &c. It appears to us, that all these transactions were to be *simultaneous*, and done in open council.

The resolution of the Senate of Third mo., (March) 2d, 1839, is as follows, to wit :

In Senate, March 2, 1839.

" Resolved, That whenever the President of the United States shall be satisfied that the assent of the Seneca tribe of Indians, has been given to the amended treaty, of June 18, 1838, with the New York Indians, according to the true intent and meaning of the resolution of the Senate, of the 11th of June, 1838, the Senate re-

commends that the President make proclamation of said treaty, and carry the same into effect."

We see nothing in this resolution to change the position taken hy us. It leaves it with the President to determine, whether, "according to the *true intent and meaning*" of the Senate, as expressed in the foregoing resolution, "the assent of the Seneca tribe of Indians has been given to the amended treaty of June 18, 1838." We think such an assent has not been given to it as the Senate intended. The President returned the treaty to the Senate at a former period, when it had 31 signatures attached to it, because it was not sufficiently signed. Since that time 13 more have been added to it, in a way adverted to in our memorial. *Against the validity of these* 13 *signatures* a committee of the Senate, to whom was referred the President's message of January 21, 1839, have solemnly pronounced a decision. If the President should unite in this opinion of the Senate's committee, he will have the same cause to reject it *now* that he had *then*; and when we recur to the honorable course hitherto pursued by the President, the Senate, and other officers of government, in relation to this *same* treaty, we cannot but hope that an instrument, so tainted with fraud as this appears to us to be, will be finally rejected by the President.

I remain, very respectfully, thy friend,

BENJ. FERRIS.

Wilmington, Twelfth mo., (December,) 23, 1839.

P. S. I have just received a letter from Griffith M. Cooper, dated at Buffalo Creek the 13th inst. He is endeavoring more fully to ascertain some facts in relation to the treaty, the result of which will be communicated as soon as possible.

Baltimore, Second Month 4, 1840.

Esteemed friend—Availing ourselves of thy kind permission, we now forward to thee a memorial addressed to the Senate in behalf of the New York Indians. This application, in addition to the one heretofore addressed to the President of the United States, and which we have been informed was by him transmitted to the Senate, and a more recent memorial left with the Secretary of War, to be forwarded to that body, will, connected with the various documentary proofs to which these papers refer, place before the Senate, a plain exhibit of the true merits of this question. We will not, therefore,

on this occasion occupy thy time with further remarks, except to add, that the Society of Friends have no selfish object in this matter; on the contrary, the removal of the Indians would relieve them from a heavy expense and labor; but believing conscientiously, that these people have been most unjustly dealt by, the Society have felt themselves called upon now to appear on their behalf.

When our ancestors sought a refuge from persecution in the old world, and landed in this country with William Penn, the natives received them with hospitality—we were then poor and helpless—they kindly administered to our necessities; and being in return treated with justice, a reciprocal feeling of mutual good will was established, which has never for a moment been clouded or interrupted, and they have on many occasions, as on the present one, when in distress, thrown themselves upon our sympathy and friendship.

We trust that our appeal will not now be unavailing, but that at least one opportunity may be offered to put the question fairly to the test, whether the race may not be saved from extirpation. Already scarcely a vestige remains of them east of the Mississippi; and shall no effort be made to avert from our country the opprobrium that must follow the extermination of the millions of red men that once peopled this vast continent. Should this destruction unhappily be realized, we may, in the pathetic language of one of our most gifted countrymen, when referring to the destruction of the aborigines of our country, say, "Posterity will either turn with horror and incredulity from the tale, or blush with indignation at the inhumanity of their forefathers." "We are driven back," said an old warrior, "until we can retreat no further—our hatchets are broken—our bows are snapped—our fires are nearly extinguished. A little longer and the white man will cease to persecute us, for we shall cease to exist."

Respectfully, &c. &c.

PHILIP E. THOMAS.

To A. H. Sevier, Chairman, &c. &c.

A. H. Sevier.

Respected Friend:—According to promise, I now forward a memorial to be presented to the Senate of the United States. Thy attention to the subject will be gratefully acknowledged.

It was not until last summer that the committees who now present the inclosed memorial, became acquainted with the facts connected with the execution of the treaty with the Seneca Indians. Many circumstances conspired either to keep us in ignorance or to lull our fears. At length through the instrumentality of one of our members, who, on behalf of the Genesee Yearly Meeting, has had the oversight of the Cattaraugus Indians, our eyes were opened, and we immediately united to inspect the state of the concern. Our examination since, has been as close and comprehensive as our time and circumstances would allow. Both have been limited —but sufficient to enable us to discover that improper measures to an enormous extent have been taken to deprive the poor Indians in the State of New York of their lands. Such a tissue of fraud and imposition as has been discovered, we believe is not to be found in the history of American diplomacy. The results of our labor will appear before the Senate's committee *in* the documents laid before it, and *in* three memorials, one to the President, presented on the 1st of the Eleventh month (November) last; one to the same, presented on the 29th ultimo, and *in* the inclosed, addressed to the Senate. To these we may add, *in* the letters from us to the Secretary of War since the presentation of the first recited memorial.

The story of wrongs, lately practised upon the Seneca nation, as well as upon other remnants of the Six Nations, in the State of New York, would be too long for a letter; and, in addressing A. H. Sevier, would be superfluous; for it is obvious, from a perusal of the able report of the Senate, of February 7, 1839, that he is well acquainted with the leading facts of the case. That report, though couched in the most appropriate and delicate language, evinces that its author had not labored in vain, through the task imposed upon him, as the guardian of his country's character in the Senate. To one thoroughly acquainted with the facts and circumstances connected with the origin, progress, and final execution of the aforesaid treaty, the language of that report is perfectly intelligible, and conveys much more meaning than to the uninitiated. "If these forty-four had signed the amended treaty in open council, the committee would consider that the requirements of the Senate had been complied with, at least *with the appearance* of having a majority." The truth is that only twenty-nine chiefs ever did sign it, or authorize others to do it for them; and there is good reason to believe that every one of them have been largely rewarded for their signatures. Eight of them have made disclosures, by which it appears they were to receive rewards amounting in the aggregate to more than twenty thousand dollars. In one of these cases the act has been denounced by the Senate's committee as *bribery*, and we think with perfect justice. The contracts with these eight chiefs, signed by the paying party, are now in possession of the Indians,

and were shown to the Secretary of War by the undersigned, when we were together, attending a council at Cattaraugus, in the Eighth month (August) last. Copies of them have been forwarded to the Indian Department.

But these dishonorable proceedings are not only unjust, as they relate to the Indians, they are also unjust to the government, whose object is the removal of the natives to lands beyond the Mississippi. This object is defeated as regards what is called the "emigration party," who, by these contracts, are to remain on their lands, where they now reside: while the "non-emigration party" are to be driven away.

The injustice to the Indians amounts to this: by the treaty, under present circumstances, one-fifteenth part of the whole would stay at home, and, by their act force the remainder to emigrate against their will.

The Society of Friends have no object of a selfish nature in view —so far from it that the removal of the Indians would save them great expense and labor. Justice and humanity are the motives of our action; and whatever difference may subsist between ourselves and others, on the question of *policy*, the honorable and humane, of all parties, will agree with us in the sentiment that *justice* ought not to be sacrificed at the shrine of expediency.

With sentiments of sincere respect, I am thy friend,

BENJ. FERRIS, *Secretary of the said committees.*

Wilmington, Delaware, Second month 3, 1840.

Washington City, February 5th, 1840.

Dear Sir—I received on this morning your letter from Baltimore, dated on yesterday, enclosing a written statement upon the subject of the Seneca treaty, now pending, for consideration, before the Senate, for the purpose of presenting to that body, &c. So soon as the Senate may go into *executive session*, I will present it, and move to have it printed.

With great respect, I have the honor to be your obdt. servt.

A. H. SEVIER.

To Benjamin Ferris.

A. H. Sevier—Respected friend—As the treaty with the Seneca Indians has been transmitted to the Senate, I suppose, for I am not

much acquainted with the usages of the treaty-making power of our country, that the whole subject is again before your body, to reconsider, amend, or reject it altogether. With this view I venture to make some additional remarks, for the consideration of the committee, to whom it is submitted. It is with reluctance that I again claim thy attention, knowing the importance of thy time, and the weighty nature of the numerous subjects that necessarily come before you. But in this affair, not only the happiness of thousands of our poor, and almost helpless fellow creatures, is involved, but also the character of our country as an honorable nation.

Our Government in negociating the late treaty with the New York Indians, have understood that the treaty-making power, on the part of those tribes, is vested in the chiefs of the nation, and that a majority of the chiefs sanctioning a treaty, makes it valid. This view is undoubtedly correct in theory. The Indians themselves, I believe, do not deny it. But touching all treaties for the sale or transfer of their lands, and of course involving their dearest interest, nay their very existence, their law is, that the proposition for such sale or transfer, and the terms upon which it is to be made, shall first be laid before the whole nation. If such council, after full deliberation, agree to the sale, they authorize the chiefs to negociate, and *thus* they become the proper agents of the nation, and are bound to consult its interests in obtaining the best and fullest consideration for the transfer. And as they are an unlettered people and liable to be imposed upon by their shrewder neighbors, they have wisely ordered, that the final ratification of such treaty, including its execution, shall be done in open council, where all may hear, and where the concentrated wisdom and intelligence of the nation may be deliberately exercised.

The Senecas declare, that on the present occasion, the nation was not consulted at all, in the way prescribed; that the chiefs who actually signed the treaty in open council, only fourteen in all, did not act regularly. And well known facts support the declaration. On the Alleghany Reservation, having a population of 676 individuals, only one person is favorable to removal. On the Tonewanda Reservation, having a population of 529 individuals, only two persons are willing to remove; and on all the four Reservations, having an aggregate population of 2505, only 146 individuals, including women and children, are in favor of emigration! The census from which I take the foregoing numbers was made in 1838, and duly certified by oath or affirmation. By a census taken in 1839, and certified as aforesaid, the emigration party is not so large. The last mentioned census was left at Washington last fall, and will I suppose be found among the documents transmitted to the Senate.

By the evidence before the Senate, it will appear, that the city of

Buffalo was the centre of that corrupt influence, of which the Indians complain. And it is observable that the two Reservations of Alleghany and Tonewanda, lying at the two extremes of the nation, and most distant from Buffalo, have only three emigrationists out of a population of 1205 individuals. When we consider that not *one-seventeenth* part of the Seneca Indians are favorable to the treaty, the conclusion is irresistible, that some influence has been in operation upon the chiefs other than the will of their constituents.

The situation of the Seneca nation, during the late negociation, has been deplorable. They were satisfied that the officers of our government had been deceived, and were anxious to furnish correct information to them. They employed some of their white neighbors to write a statement of their case, and took it to the editor of a newspaper for insertion, but he would not comply with their request. The agent for the payment of their annuities, at this critical juncture withheld their monies, as if to deprive them of the means of proceeding to the seat of government, and they were so straitened for means as to be discouraged. From other sources they at length raised one thousand dollars, and feed a lawyer of the name of Gould. After great labor, they made up their documents, and appointed a delegation to go with him to Washington. On the way, he took out of the bag all their documents, and put old rags in their places, and went off with their papers and their one thousand dollars. Such, in substance, has been in part the treatment of this injured people. For more particular information on these points we would refer you to the documents furnished the Senate, or the Indian Department by the Indians themselves. Many of these matters have not been particularly under the care of Friends, and have not been noticed in our memorials, as we have deemed it more important to make it appear, that without reference to these facts, there was sufficient to induce the Government to reject the treaty.

To the Senate of the United States, the highest tribunal on earth, whether considered in relation to its moral standing, or to the intellectual power concentrated in its body, we now look for a decision on the subject: and we look to it with confidence, not only from its general character, but also from its past action on this very subject. On the policy of the Government, with regard to the removal of the Indians, beyond the Mississippi, the Society of Friends have never passed an opinion. They do not consider it their business, as a religious community, to interfere with the political concerns of government. Their great object is to promote rightcousness, truth, justice,—without which no nation can ever be truly "exalted," and in violation of which, neither nations nor individuals can ever escape, in some way, or at some period, disastrous consequences.

As I am unacquainted with the course which the Senate is accus-

tomed to pursue, in relation to treaties, when returned to it by the President, under circumstances like the present, I feel at a loss to know whether any thing further will be necessary on our part, or expected by the Senate, in order to its final decision in the case. Our object is to have the treaty wholly laid aside. If to attain this object any action of ours will be useful, it is desirable that we should know it. A line from thee on these subjects would be very acceptable, and thankfully acknowledged.

With sincere respect, I am thy friend,
BENJAMIN FERRIS.

Wilmington, Delaware, Second month 5th, 1840.

Baltimore, Second Month 13, 1840.

Esteemed Friend:—Feeling my mind deeply interested in the issue of the efforts now making to drive the Indians from their reservations in the state of New York, and being entirely satisfied that it is thy desire to arrive at a just conclusion in regard to this matter, I have determined to avail myself of thy kind permission to communicate with thee on this subject: and I now place in thy hands the two accompanying documents which will be found to afford some interesting information in relation to the true merits of this question.

The first is a report made by a committee of Friends, who were sent as a deputation to visit these Indians last summer. This report discloses some astounding facts as regards the conduct of some of the agents employed in these transactions. The second is an extract from a speech of Corn Planter, an Indian chief of the Seneca nation, delivered to General Washington, then President of the United States, about fifty years ago, in relation to these very reservations of land. Knowing the value of thy time and the many urgent concerns that press upon thy attention, I will not prolong this letter further than by an expression of an entreaty on behalf of this greatly injured people, that they may in their present extremity receive protection from the government.

Unless something is done, and done effectually, in a little time no vestige will remain of this once powerful race, except the beautiful names they have conferred on our noblest rivers and loftiest mountains. These may, for ages after they cease to exist, remain to attest the beauty of their language; but every thing else regarding them will be lost in oblivion, and the indelible stigma of their utter extermination be for ever fastened upon our country.

Respectfully thy friend,
P. E. THOMAS.

Hon. A. H. Sevier, *M. C., Washington.*

Extract from the speech of Corn Planter, a principal chief of the Seneca nation of Indians, delivered to General Washington, then President of the United States, about the year 1790, *shortly after the conclusion of peace between the Six Nations and the United States.*

"Father:—the voice of the Seneca nation speaks to you, the great counsellor, in whose heart the wise men of the thirteen fires have placed their wisdom. What we will have to say may appear small in your eyes, and we therefore entreat you to hearken with attention, for we are about to speak of things which to us are of very great importance. When your army entered the country of the Six Nations we called you the town destroyer, and, to this day, when that name is heard, our women look behind them and turn pale, and our children cling close to the necks of their mothers. Our counsellors and warriors are men, and cannot fear, but their hearts are grieved on account of our women and children.

"When you gave us peace, we called you Father, because you then promised to secure to us the possession of our lands. Do this, and so long as the land shall remain, that beloved name shall live in the heart of every Seneca.

"Father, we mean to open our hearts before you, and we earnestly desire that you will let us clearly understand what you intend to do. When our chiefs returned from the treaty at Fort Stanwix and laid before our council what had been done there, our nation was surprised to hear what a great country you had compelled them to give up to you. Every one said that your hearts were yet swelled with resentment towards us for what had happened during the war; but that one day surely you would consider us with more kindness. We asked each other, what have we done to deserve such severe chastisement."

The chief here proceeded to recapitulate the many grievous injuries that had been inflicted on his people by the white population, and then added:—"Father, you have said that we were in your hand, and that by closing it you could crush us. Are you determined to crush us? If you are, tell us so, that those of our nation who have become your children and have determined to die so, may know what to do. In this case one chief has said he would ask you at once to put him out of pain. Another, who will not think of dying by the hand of his father or brother, has said that he would retire to the Chetuagay—eat of the fatal root, and sleep with his fathers in peace. Before you determine on a measure so unjust, look up to God who made us as well as you. We hope he will not permit you to destroy the whole of our nation.

"Father, hear our case. Many nations inhabited this country, but they had no wisdom, and therefore they warred together. The

Six Nations were powerful and compelled them to dwell in peace. The lands for a great extent were given up to the Six Nations, but the people who dwelt upon them were not destroyed, they were permitted to continue on these lands, and claimed a support from the earth. The French came among us and built Niagara. They became our fathers and took care of us. Sir William Johnson afterwards came and drove the French from our country, and he then became our father and took care of us until you became too strong for his king. We have told you how we were led to join in the war against you. As soon as we saw that we were wrong, we asked for peace. You demanded a great country to be given up to you. It was surrendered as the price of that peace, and we ought now to have peace and the little land you then left us.

"When that great country was given up, there were but few chiefs present, *and they were compelled to surrender it.* It is not the Six Nations only that reproach those chiefs with having given up that country. All the nations who lived on those lands call to us, and ask us, Brothers of our fathers, where is the place you have reserved for us to lie down on?

"Father, you have compelled us to do that which has made us ashamed. We have nothing to answer to the children of the brothers of our fathers. We will not conceal from you that the great God, and not men, has preserved the Corn Planter from the hands of his own nation. For his people ask continually, where is the land which our children and their children after them are to lie down upon? For first one and then another comes and claims by authority of the very people who *he* told us had promised to secure this land to us for ever. He is silent for he has nothing to say.

"When the sun goes down, he opens his heart before God, and earlier than the sun appears again upon the hills, he gives thanks for his protection during the night; for he feels amongst men, become desperate by their sufferings, it is God only that can preserve him. He loves peace and has despoiled himself of all he had in the world to give to those who have been robbed by your people, lest they should plunder the innocent to repay themselves. The whole season, while others have been employed in providing for their families, he has spent in endeavoring to preserve his nation in peace, and at this moment his wife and children are lying on the ground, without a bed, and in want of food. But he perceives that the great God will try his firmness in doing what is right.

"Father, the game which the Great Spirit sent into our country for us to live upon, is fast going from amongst us. We had thought that it was his intention that we should till the ground with the plough, as the white population, and we have talked to one another about it. But before we come to any conclusion about this, we must know from you whether you intend to leave us

and our children any land to till. We ask you now to speak plainly to us concerning this great point. The land we live on was received by our fathers from God, and they transmitted it to us for our children. You claim it as ceded to you by the king of England. We deny that it ever belonged to the king of England, and he had no right in it to cede to you.

"Father, we told you we would open our hearts to you. Hear us once more. Innocent men of our nation are killed one after another, and of our best families; but not one of these people who have committed these murders has been punished. We ask you, was it intended because we did not stipulate by treaty when we made peace with you, that those who killed our people should be punished, that your people should be permitted to murder the Senecas, and not only remain unpunished by you, but that they also should be protected by you against the revenge of the relations of the dead?

"Father, these are very great things to us. We have felt your power, and know that you are very strong. We have heard that you were wise, and we now wait your answer to what we have said, that we may see if you are just."

SEVIER'S SPEECH.

In Senate, March 17, 1840.—In executive session, on the treaty with the New York Indians.

Mr. Sevier addressed the Senate as follows:

Mr. President:—The treaty now under consideration is a complicated affair, and on that account, as well as on account of its importance to the Seneca Indians, to the State of New York, to the grantees of the State of Massachusetts, and to the United States, I hope, while I endeavor, in discharge of my public duty as chairman of the Committee on Indian Affairs, to explain it, that I shall be indulged with the patient attention of the Senate.

This is a treaty of much more importance than is generally supposed. It is one about which the Senecas and their friends feel, as they have felt for upwards of two years, (during all of which time it has been before the country, in one form or another,) a deep, intense, and an all-absorbing interest. The written appeals of a large majority of this tribe to the President, and to the Secretary of War; to the Senate, and to individual Senators, earnestly imploring a rejection of this treaty; the immense mass of testimony with which they have furnished us respecting it; the constant attendance of their delegates here, upon their own expenses, at a great distance from their homes, and at the sacrifice of an utter abandonment of their private pursuits, at all times, when this treaty

was before the Senate; and their daily attendance in our galleries, to observe and to gather, if possible, something from our proceedings, show most abundantly the light in which this treaty is viewed by them.

On the other hand, the citizens of New York, and especially those residing about Buffalo, have their wishes, and hopes, and fears respecting its fate with the Senate. They have furnished us, also, with testimony and memorials, and sage suggestions, upon the subject of Indian policy and Indian welfare. They, too, have had their lobby members and ambassadors here, consisting of both red and pale faces, for the purpose of urging this treaty through this body. Nor are these the only interested parties. Massachusetts seems to have, in this treaty, something more than a general interest; she seems to have an interest somewhat particular and identical, which I deem important first to consider and explain, that we may fully understand it in all its bearings.

Prior to 1786, Massachusetts claimed, as properly belonging to her, a portion of the State of New York. This claim New York contested; and this somewhat angry controversy was not finally settled, as we learn from the public journals of that day, until 1786. This dispute was then settled, by Massachusetts ceding to New York all her right and title to the *government*, *sovereignty* and *jurisdiction* over the disputed territory; and, in consideration of this cession, the State of New York ceded to Massachusetts, and to her grantees, and to the heirs and assigns of her grantees, *the right of pre-emption of the soil of the native Indians* to the territory described in this compromise. The native Indians, occupying the territory to which Massachusetts thus acquired the right of pre-emption, were then, as now, the Tuscaroras and Senecas, of New York.

It was further stipulated, in this compromise, by New York, that Massachusetts might, at any time, by persons duly authorized by her for that purpose, hold *treaties* and *conferences* with these Indians *relative to a purchase of their lands.* And further, that Massachusetts should have the right to dispose of this pre-emption right to any person whatever. This compromise was approved of and sanctioned by Congress in 1787. A complete and full detail of this contract is to be found in the fourth volume of Journals of Congress of the year 1787, at page 788, to which I respectfully refer any honorable Senator who may desire to see it.

The right of pre-emption being thus secured to her, as well as the right to dispose of it, Massachusetts did afterwards, in 1791, sell this right of pre-emption to the Holland Land Company, and that company to David Ogden, and Ogden to the present claimants. The present claimants being the grantees and representatives of Massachusetts, have the indisputable right to hold *treaties* and *conferences* with the native Indians, for the purpose of purchasing out the Indian right of occupancy; and in exercising this right, though

courtesy might seem to require it, this company are under no obligations to consult either New York or the United States. I have not been able to lay my hands upon the contract between Massachusetts and her grantees, and am therefore ignorant of the terms of that contract. But, judging from the interest which Massachusetts invariably manifests upon the subject of the acquisition of these lands; and upon seeing her represented by an agent or superintendent at every sale of them, I have concluded that she considers herself bound by her contract to either New York or her grantees, and probably to both, for the performance of her superintendency upon such occasions. How this matter stands I know not; but should such information be thought desirable by the Senate, I presume the distinguished Senators from New York and Massachusetts can give it.

Mr. President—In considering the various interests involved in this treaty—the interests of the Senecas, of the citizens of New York, and of the grantees of Massachusetts—the committee have thought it their duty to consider, in connection with those interests, the interest of a fourth party, which is that of the United States. And with a view to understand this complicated affair, the committee have endeavored to trace our relations with the Six Nations of New York, from their commencement up to this day, so far, at least, as the Senacas are concerned, for the purpose of discovering if there be on our part any *undischarged obligations* to either of the parties interested in the subject-matter now before us. The first treaty which I have been able to find with the Six Nations of New York, was concluded in 1784. That was a treaty of peace; a relinquishment of territory on their part, and a definition of their boundary lines on ours. In 1789, five years thereafter, a second treaty was made, which is, so far as I have been able to discover, but little more, if any thing, than a recapitulation of the former one.

The third and last treaty ever made by us with the Six Nations of New York, in their confederated character, (unless the one we are now considering should constitute a single exception,) was made in 1794. This was an important treaty, and has governed us in all our intercourse with them ever since. In that treaty we acknowledged, *separately*, to each of the tribes composing the Six Nations, their individual right and title to certain specific reservations of land; and we guarantied to them, *separately*, the possession and enjoyment of their respective reservations; and conferred upon them the right to dispose of their reservations respectively, in whole or in part, to any citizen or citizens of the United States, whenever and however they might choose; and for these rights, the Indians, on their part, engaged, in the same treaty, never to set up any claim to any other lands in the boundaries of the United States than those granted in that treaty.

This was the last treaty ever made by us with those Indians, collectively or separately, from 1794 up to 1838; a period of more than forty years. From that time onward, to 1838, we acted in good faith, and permitted those Indians, according to the terms of the treaty of 1794, so far at least as the Senecas were concerned, to dispose of their New York lands as they choose. Since 1794 the Senecas have disposed of their lands on several occasions. In 1797 they were permitted to sell to Robert Morris, of Philadelphia, a portion of their reservations. Afterwards, in 1802, the same Senecas were permitted to sell another portion of their lands to Phelps, Bronson and Jones; and again, in the same year, to Wilhelm Willick and others; and again, in 1823, to Grigg and Gibson. Each and all of those sales were made openly, freely and voluntarily, and under the guardian care *only* of the United States on the one hand, and of the agent or superintendent of the State of Massachusetts on the other. These lands were transferred by the Indians to their grantors, *not by treaty*, but by the ordinary deeds of conveyance; nor does the transfer of those lands to Ogden and Fellows, in 1838, vary in any degree, but in the prefixture of a preamble to it, from all the other deeds of conveyance which have been made by them subsequent to 1794.

Having then, as we have seen by the treaty of 1794, such ample power to dispose of these lands—a power so often and so satisfactorily exercised by them; and the United States having no interest whatever in these lands, and being constitutionally incapable of having any, and not being bound by compact, as in the case of Georgia, to extinguish the Indian title to those lands, it may well be asked, why have we interfered in this affair? Why have we attempted, with unabated assiduity, for more than two years, with our influence, with our agents, and means, and money, to barter with those Indians for their New York reservations? I will endeavor, sir, to unravel this mystery; it is a curious piece of intrigue and history, which should never be forgotten, as it may be of some service to the country hereafter.

As early as 1818 we find the agents of two small bands of New York Indians applying to Mr. Monroe, then President of the United States, for permission to purchase, *with their own means and upon their own account*, of the Menomonees, of Green Bay, a portion of their lands. The files of the War Department will show that the grantees of Massachusetts were at the bottom of this simple, unpretending and modest application; and, among other reasons, we find that religion, which is so often prostituted by the designing to cover up intrigue and sinister motives, was the argument used on that occasion to obtain this permission. It will be recollected that the United States will permit no Indian tribe, which they have any thing to do with, to dispose of their lands, except to the United States. The authority, therefore, of the United States was indis-

pensable to enable the missionaries, Williams and Hendricks, to make a valid purchase of the Menomonees. Mr. Monroe, not foreseeing the objects in view, and understanding distinctly, as their memorial expressly stated, that these two bands were to pay out of their own means for all the land they purchased of the Menomonees; and further, that they were to acquire, by such purchase, no other or better right than that held by the Menomonees—so understanding it, Mr. Monroe gave his assent to such a purchase. The assent of Congress, or of the Senate, to such an unusual arrangement, was neither asked or obtained. It seems to have been looked upon by Mr. Monroe as quite a small affair. Under his authority, thus obtained, the agents of these two small tribes, as *they alleged*, made a purchase, and paid for it, as they informed us, the sum of $12,000. This purchase, however, has ever been strenuously denied by the Menomonees, and the contract made between those Indians, whatever it was—if, indeed, there ever was any—is not now to be found where, surely, if in existence, it ought to be found—in either the Indian Bureau or in the War Department. As matters now stand, however, it is but of little consequence for us to know, (unless for the purpose of seeing in what manner we have been imposed upon,) whether such a contract ever existed or not. We all know there was a controversy about it between the parties, and that we were drawn into it. This controversy was settled by us in a treaty with the Menomonees in 1832. Thus we see that this small affair, which originally was to be confined to two small tribes, and which, on our part, was to have been nothing more than a mere naked assent, now loses its insignificance, and begins to swell into a matter of considerable importance. Here we find ourselves placed in a dilemma, which was brought about, as they doubtless anticipated, by the early intrigue of this land company. These small bands, under Mr. Monroe's permission, moved to Green Bay, and as the title to the lands they claimed by purchase was controverted, we were called upon to interfere, and, as we supposed, to benefit the Indians, did interfere and bought out the Menomonees for them, and gave them the lands; and there they are yet. This treaty does not disturb them. This is not all. We have paid back to them, not only the $12,000 they allege to have paid the Menomonees, but we have given them a great deal more. We have given them, besides the lands they claim to have purchased of the Menomonees, for their $12,000, the sum of $40,000; $5,000 to the St. Regis tribe, and $35,000 to the Oneidas, *as a remumeration to them for their purchase of*, and *removal to*, *the Green Bay lands*, under Mr. Monroe's permission. Now, let me ask, if it be not too late, why have we submitted to such imposition? Why have we bought land for these New York Indians, over whom we had no control or jurisdiction? Why have we made large advances to them, without any consideration? We have done so for the double purpose of gratifying

New York and this overgrown and grasping land company. We have thus seen Mr. Monroe's permission, of which I have spoken, first leading to an Indian controversy, and then ending in a settlement of it, by which we have had to buy land and advance thousands of dollars as remuneration (as it is falsely called) to these New York Indians, and all without the pretext of an obligation or consideration on our part.

I will now, Mr. President, take my leave of the Green Bay Indians, and return to the treaty of 1832. In that treaty, concluded in this city with a delegation from the Menomonees of Wisconsin, we obtained of them, for the sum of $20,000, 500,000 acres of their lands, near Green Bay, for the future residence, not only of those small bands who emigrated under Mr. Monroe's permission, but for *all* of the New York Indians, then residing in New York. We obtained this land, so far as we were concerned, as a mere *gratuity*, and without any other consideration, so far as appears to me, than the wishes of New York and this land company that we should do so. New York desired this land secured, not so much for the residence of those then residing in Wisconsin, for their welfare had ceased to interest her, but for the New York Indians then within her borders, in the hope that her Indians could be induced to move to them, and in that event, that she would be rid of an Indian population at the expense of the United States, she was most anxious to get clear of; and that the land company would be able, for little or nothing on their part, to get of them their New York lands, mainly, but indirectly, at the expense of the United States also. These were the calculations; and hence we find that, in that treaty, the New York Indians, although apparently so deeply interested, were not parties to it. And why were they not? I will endeavor to inform you, sir.

In the treaty of 1794, the New York Indians engaged to claim no other land within the boundaries of the United States than that particularly described in that treaty. They had modesty and honesty enough to know that there was no treaty ever afterwards made, by which we were pledged or bound to purchase land for them at Green Bay, or any where else. They knew they had no claim of any character upon us; and not desiring any other lands than those they were possessed of, and seeing no necessity for a treaty, they stood aloof, and had no participation in it. And in this same treaty the Menomonees disclaim any right or just claim of the New York Indians to the Green Bay lands. And this is not the only disclaimer. We find, in the printed documents now before us, at page 127, that the Senecas say that "the Senecas have no right or title to that country, (Green Bay,) as we have never accepted or paid for any interest there, nor do we at this time have any claim to that country whatever." And I will add, that, in a letter received last night, I am informed that the Senecas are now holding a council for the

purpose of *retransferring* to you *this gratuity*, which, given to them in 1832, without their knowledge or consent, you seem determined to force upon them, and which they, on their part, seem disposed just as decidedly to reject—with a full knowledge that the New York Indians, then residing in New York, had no claims upon us for lands any where, and, on the contrary, when we knew they had solemnly engaged, in their treaty of 1794, to set up no claim for any other within the boundaries of the United States than those particularly described in that treaty, yet, with a full knowledge of all this, we made the treaty of 1832.

In that treaty, in which the New York Indians were not parties, it was stipulated, without their consent or knowledge, that they should remove to the lands we purchased for them at Green Bay, within three years thereafter, or else that there right to this 500,000 acres of land should be forfeited, and revert to the United States. This penalty was inserted, under a belief that it would not be disregarded by the Indians, but, on the contrary, would be considered of such consequence as to induce their emigration. If it was not so designed, why was a time fixed for their emigration at all? Of what consequence was it to us, whether those Indians emigrated this year or next year, or never? Sir, the Indians looked upon the whole of these proceedings, in which they had no participation, with a provoking indifference and nonchalance. They cared nothing for these lands, or the forfeiture thereof. They considered they had comfortable homes in New York, and there they determined to remain. This temper of the Indians was soon found out by those desiring their emigration; and it was, therefore, necessary to get the time for their removal extended, so that the company could have time to apply the *proper remedies*, and bring about a conversion of the Indians to an acquiescence in their desired policy. Governed by such considerations as these, we were applied to to change this provision in the treaty; and, as usual, we permitted ourselves, like a nose of wax, to be twisted about by this company, and, to gratify them, did modify this provision, by a supplementary article to the treaty, so as to leave the time for their removal to the discretion of the President of the United States. So stands it now. Eight years have elapsed since that treaty was made, and yet the President has not required those Indians to move to their Green Bay lands, or notified them, if they did not, by a given time, that he should exact the penalty, according to the terms of the treaty. The reasons of the President for permitting those Indians to remain upon their New York lands, without exacting the penalty, are doubtless benevolent, humane, and praiseworthy. His forbearance upon this subject, thus far at least, is not considered by me just cause of censure. Yet I should consider it his duty, before a great while, to close up this contingent claim. I think if these Indians do not, within a reasonable time, move to these lands, that they should revert to the

United States; and in this reversion they can have no just cause of complaint. Their title to these lands is *conditional—dependent entirely upon their removal to them.* It was a mere gratuity on our part, and cost them nothing, not even solicitation, or empty thanks; and now, if they will not accept of our proffered gratuity, if they will not occupy those lands, voluntarily tendered to them *on that condition*, there can be no injustice in exacting their forfeiture, on their failure to comply with the condition.

Mr. President, we purchased, as before observed, in 1832, 500,000 acres of land at Green Bay, for the future residence of the New York Indians. This purchase being on our part, as before stated, a mere gratuity, and, so far as appears from our records, without the knowledge or solicitation of the Indians, five years thereafter, in the year 1837, for what reasons, or at whose promptings, we are left to conjecture, it seems to have become suddenly, and all at once, a matter of vital importance for us to purchase out this gratuity, a gratuity which the Indians considered of so little consequence or value to them, that they would neither move to it, nor have it. But no matter for that: we determined to buy back from them what we had given them as a present five years before; and in furtherance of these views, in 1837 we appointed a commissioner to accomplish for us this all-important object.

A purchase of this Green Bay land was the *ostensible* object of this mission. The *real* object as I shall show you in the progress of this discussion, was to obtain our influence, and our means and money, to *assist* a dozen or so of land speculators to purchase of the New York Indians their New York lands, for which they held, under Massachusetts, the pre-emption right. And, sir, we have already done so, to some extent. We have purchased out for this company, and for New York, five of the six tribes—all of the New York Indians, except the Senecas, and we have attempted to buy them out also, whether successfully or not, remains to be seen by a decision upon the question now before us.

In 1837, as before observed, we appointed a commissioner, with the ostensible object of purchasing of the New York Indians their Green Bay lands. So soon as this was known, we found much excitement and agitation among the Indians, growing out of their attachment for, and reluctance to leave, their native land. They understood very fully the object of the negotiation. They knew the Green Bay land was but a *pretext*, and not the *real* object of the commissioner. They understood all this. They knew the object of the treaty was to get from them, for the land company, their New York lands. To overcome these scruples, and to reconcile them to the measure, the agents of the land company went to work, and I will now show you, sir, in what manner.

"Articles of agreement, made and concluded this 29th day of July, 1837, between Heman B. Potter, of the city of Buffalo, of the first part, and John Snow, a Seneca chief, of the Buffalo Creek reservation, in the county of Erie, of the second part.

"Whereas, in conformity with the declared policy of the Government of the United States, the proprietors of the pre-emptive title of and in the four several tracts of land, reserved by the Seneca tribe of Indians, within the said State of New York, are desirous to induce the above mentioned tribe of Indians to accept, for their future and permanent residence, a tract of country in the territory west of the river Mississippi, appropriated for Indians inhabiting the Atlantic and other neighboring States, and are, also, desirous, by fair purchase, to extinguish the right of the said Indians in and to the lands in this State, so reserved by them:

"And whereas, in furtherance of these objects, and in order to a future treaty by which to effect the same, the said proprietors have authorized negociations to be opened with the chiefs and other leading men of the said tribe of Indians, and certain offers to be made to them in money as a permanent fund for the nation, and a compensation for their improvements; and have also deemed it advisable and necessary to employ the aid, co-operation, and services of certain individuals who are able to influence the said Indians to accept the offers so to be made to them:

"And whereas, the said Heman B. Potter, the party of the first part, is empowered to act on behalf of the said proprietors, and to contract with any individuals whose co-operation and agency may be necessary and efficient, in accomplishing the above mentioned object; and the said John Snow, the party of the second part, has agreed to contribute his influence and services in the premises; and in case of the extinguishment of the said Indian title to the said reserved lands as aforesaid, to sell to the said proprietors all and singular his improvements, of, in, and to the same:

"Now, therefore, it is mutually agreed by and between the parties hereto, as follows:

"First. The party of the second part undertakes and agrees to use his best exertions and endeavors to dispose and induce the said Indians to adopt and pursue the advice and recommendations of the Government of the United States, in respect to their removal and future location; and on such *said* terms as the party of the first part, and his associates, in the name of the said proprietors, shall propose to sell and release, by treaty, their said reserved lands; and on all occasions to co-operate with and aid the said party of the first part, and his associates, as he may be, from time to time, advised, in talks and negotiations with the chiefs and other influential men of the said tribe; and in the active application of his whole influence at councils, and confidential interviews, for the purpose of effecting a treaty between the said tribe and the said proprietors, for the extinguishment of the Indian title to the said reserved lands.

"Second. The second party of the second part hath sold, and hereby doth sell, to the said proprietors, all and singular his buildings and improvements on the lands so to be released by treaty, and agrees to accept compensation therefor in the manner hereinafter mentioned; said buildings and improvements in the meantime not to be leased, or in any manner disposed of by said party of the second part.

"Third. In consideration of such efforts, co-operation, and services on the part of the said John Snow, faithfully bestowed in the premises, and of the sale and release of all and singular his said buildings and improvements upon any of the lands aforesaid, without leasing or otherwise

disposing of the same, as herein above stipulated, the said Heman B. Potter, on his part, and that of his associates, agrees to pay, or cause to be paid, to the said John Snow, the sum of two thousand dollars, within three months after the notice of the ratification, by the Senate of the United States, of a valid treaty between the said tribes and the owners of the said pre-emptive title, or their trustees, by which the right and title of the said Indians shall be effectually released and extinguished, in and to the said reserved lands; subject, however, to the following qualification and understanding: that in case the said treaty shall provide for the payment to individual Indians for their buildings and improvements, then and in that case the said party of the second part shall accept and receive, as part payment of the above mentioned sum of two thousand dollars, such sum or compensation as he shall or may be entitled to, by and under the provisions of such treaty, for his said buildings and improvements, and the balance of the said two thousand dollars which shall remain, after deducting therefrom such compensation as aforesaid, and that only to be paid by the said party of the first part, as above specified, within the time above mentioned, or as soon thereafter as the said balance can be ascertained; and in case said party of the second part shall be entitled, by and under the provision of said treaty, to the sum of two thousand dollars and upward, he shall receive the same as may be therein provided, and the said party of the first part shall be discharged from paying any part of said two thousand dollars.

"And the said John Snow shall also be entitled, at a nominal rent, to a lease from the owners of the pre-emptive title, or their trustees, of and for the lot of land actually improved and occupied by him, called the Whipple farm, near the old council house, on the Buffalo reservation, for and during his own natural life, determinable when and as soon as he shall cease to live on and occupy the same; said lease to be executed by the lessors as soon after said treaty as said lands shall have been surveyed and allotted, said lease having reference to said survey.

"This agreement on the part of said party of the first part, being expressly dependent upon a treaty, to be made and ratified upon terms, conditions, and stipulations, to be proposed and offered by the said party of the first part, and his associates.

H. B. POTTER, [L. S.]
his
JOHN x SNOW, [L. S.]
mark.

Witness:
his
GEORGE x JIMESON,
mark.

True copy: M. B. PIERCE.

"P. S. Marius B. Pierce, above named, is one of the chiefs who signed the Buffalo treaty."

"Articles of agreement made and concluded this 7th day of August, 1837, between Heman B. Potter, of the city of Buffalo, of the first part, and Samuel Gordon, a Seneca Indian, of the Cattaraugus reservation, in the county of Erie of the second part.

"Whereas, in conformity with the declared policy of the Government of the United States, the proprietors of the pre-emptive title of, and in, the four several tracts of land reserved by the Seneca tribe of Indians, within

the said State of New York, are desirous to induce the above mentioned tribe of Indians to accept for their future and permanent residence, a tract of country in the Territory west of the river Mississippi, appropriated for Indians inhabiting the Atlantic and other neighboring States, and are also desirous, by fair purchase, to extinguish the right of the said Indians in and to the lands in this State so reserved by them:

"And whereas, in furtherance of these objects, and in order to a future treaty by which to effect the same, the said proprietors have authorized negotiations to be opened with the chiefs and other leading men of the said tribe of Indians, and certain offers to be made to them in money, as a permanent fund for the nation, and a compensation for their improvements, and have also deemed it advisable and necessary to employ the aid, co-operation, and services of certain individuals who are able to influence the said Indians to accept of the offers so to be made to them:

"And whereas the said Heman B. Potter, the party of the first part, is empowered to act on behalf of the said proprietors, and to contract with any individuals whose co-operation and agency may be necessary and efficient in accomplishing the above mentioned object, and the said Samuel Gordon, the party of the second part, has agreed to contribute his influence and services in the premises:

"Now, therefore, it is mutually agreed by and between the parties hereto, as follows:

"First. The party of the second part undertakes and agrees to use his best exertions and endeavors to dispose and induce the said Indians to adopt and pursue the advice and recommendation of the government of the United States in respect to their removal and future location; and on such fair terms as the party of the first part and his associates, in the name of the said proprietors, shall propose to sell and release, by treaty, their said reserved lands, and on all occasions to co-operate with and aid the said party of the first part and his associates, as he may be from time to time advised, in talks and negotiations with the chiefs and other influential men of the said tribe; and in the active application of his whole influence at councils and confidential interviews, for the purpose of effecting a treaty between the said tribe and the said proprietors, for the extinguishment of the Indian title to the said reserved lands.

"Second. In consideration of such efforts, co-operation, and services, on the part of the said Samuel Gordon, faithfully bestowed in the premises, the said Heman B. Potter, on his part and that of his associates, agrees to pay, or cause to be paid, to the said Samuel Gordon, the sum of five thousand dollars, within three months after notice of the ratification by the Senate of the United States, of a valid treaty between the said tribe and the owners of the said pre-emptive title or their trustees, by which the right and title of the said Indians shall be effectually released and extinguished in and to the said reserved lands.

"This agreement, on the part of the said party of the first part, being expressly dependent upon a treaty to be made and ratified upon terms, conditions, and stipulations to be proposed and offered by the said party of the first part and his associates.

H. B. POTTER, [L. S.]
SAMUEL GORDON, [L. S.]

Witness: O. ALLEN.

"It is understood and agreed that the sum of one thousand dollars is to be added to the within contract.

September 29, 1838.

O. ALLEN,
H. P. WILCOX."

There are six other contracts of a similar character, which I will not take up the time of the Senate to read. These eight have lately come to light. How many are yet behind, undisclosed, time will tell.

Here, Mr. President, we have a few illustrations, most liberal and honest and patriotic illustrations, of the means used by the agents of this land company, and under the authority of the proprietors, to induce the leading and influential chiefs to sell the lands of their unwilling constituents. Here we see, under the very nose of our commissioner, and at the moment of commencing his negotiation, *ostensibly* for the purchase of their Green Bay lands, the sum of *twenty-one thousand, six hundred dollars* in cash, besides leases, some for a term of years, some for life, some during occupancy, and one grant in fee simple, offered and promised in writing to eight leading and influential chiefs, by this land company, as rewards, or rather as *bribes* for serving this company *faithfully*, with their influence *in council, and in confidential inteviews with the other Indians, so as to effect a treaty with the Government for their Green Bay lands, and so as to effect a release and relinquishment of the Indian title to the proprietors of their reserved lands in the State of New York ; and in case of success in these double negotiations, and in the event of their ratification by the Senate of the United States, then these bribes were to be consummated, and not otherwise.*

By these dark and midnight transactions, the order of things was to be curiously reversed. The *emigrating party* were to stay in New York upon their leases, and the *non-emigrating party* were to be transported beyond the Mississippi. And are these contracts denied ? No, sir ; they are unblushingly and shamelessly admitted and justified ! They are admitted and justified by White Seneca, one of the chiefs, in favor of the treaty and of emigration, in his speech to the Secretary of War last August. They are admitted and justified by N. Strong, another chief in favor of the treaty and of emigration, in his letter to the President, of the 9th of last March. They are admitted by Orlando Allen, a white man, and one of the active agents of the land company, and justified, in his letter to the President, of the 11th of last March. And, pray, what is the justification ?

Mr. Allen tells us, in his testimony, which he communicated to the President last spring, " that he *has understood* (and believes the attempt was never made to conceal it) that provision was made for some of the chiefs, in accordance with all former usages among the Senecas." Yes, sir, Mr. Allen may well say *he has understood* that provision was made for some of the chiefs ; for I find this same Orlando Allen, who, under oath, speaks so *doubtingly*, as though by hearsay only, is a subscribing witness to at least two of these contracts. But, as to his *belief* that there were no at-

tempts made to conceal these contracts—contracts which were for *secret* influence and *confidential services*—we of the committee, who have travelled through this whole mass of testimony, will believe just as much of this part of his testimony as we please, and that is precious little of it, if any. While voluntarily furnishing a part of his testimony for the benefit of the President, he would have done but an act of justice if he had given him, in addition, that part of his testimony, taken on the same occasion, which was, that he was an agent of the company, and *directly interested* in the success of the treaty. Mr. Allen assimilates these rewards, promised and given to these chiefs, in this underhanded and clandestine manner, to the annuity given to Red Jacket, Corn Planter, and others. Sir, there is no similitude in these cases. What was given to Red Jacket, Corn Planter, and to the others he has named, was given in open day, in the presence of the nation, and with the knowledge and approbation of their tribes. But enough of all this, for the present, at least.

Sir, the Indians being thus tampered with, and prepared by bribes, in advance, for the occasion, our commissioner entered upon the stage for the performance of his part of the drama. And, sir, not to be tedious, to pass over a thousand details, and to come at once to the result, I will inform the Senate that our commissioner, after a protracted negotiation, did actually succeed in purchasing for us the Green Bay lands. And he got these lands for us for the very trifling and frivolous consideration of $400,000 in cash, and 1,800,000 acres of land, west of, and adjoining the State of Missouri. Here is a negotiation for you, which I am satisfied that nothing but patience and perseverance and skill and dexterity and adroitness, aided with good friends to "back his suit withal," ever could have achieved. This $400,000 in cash, 1,800,000 acres of land, is all that our commissioner agreed to give for 435,000 acres of land at Green Bay, which five years previously we gave these Indians gratuitouly, and which gratuity they would neither move to, nor accept of us as a present!

Appended to this treaty we find an ordinary deed of conveyance from the Tuscaroras to Ogden & Fellows, of all their title to nineteen hundred and twenty acres of land; and from the Senecas, a similar deed of conveyance to Ogden & Fellows of all their title to one hundred and sixteen thousand acres of land, all lying in the State of New York, and some of it in the neighborhood of Buffalo, and making all together, from both tribes, in round numbers, about 118,000 acres of land, for which Ogden & Fellows agreed to pay the sum of about two hundred and eleven thousand dollars—not quite two dollars an acre. These deeds are honored with a preamble, and recite the important fact, that a treaty had been concluded between our commissioner and these Indians. These deeds are otherwise distinguished, by being *approved*, not only by the

superintendent of Massachusetts, whose duty it probably was to approve them, but they were also approved of by our commissioner, not as a witness, but in his official capacity—and what is still more remarkable, when this treaty came to the Senate, in 1838, for ratification, these deeds came with it.

Well, sir, what next occurred? The treaty was read in the Senate, was properly referred, and then your committee went to work upon it. They found it so *essentially defective*, that it was out of their power to recommend its ratification. The objections to it were communicated, among others, to the Senators from New York. Some alterations in it were suggested by the War Department, and all agreed, without a dissenting voice in any quarter, so far as I recollect, that it could not be ratified in the form in which it was executed. We amended it, and so thoroughly, as to make nearly a new treaty out of it; and in these amendments the Senate concurred, and I believe with unanimity.

While this treaty was before the committee, we heard many complaints from the Indians and others, against the treaty. Fraud, unfairness, and bribery, of which, *at that time*, we had no evidence, were charged; and it was stated that a majority of the chiefs neither approved of nor had signed the treaty, although from the preamble it purported to have been executed in council, and properly assented to. To guard these charges, the Senate adopted the resolution of the 11th of June, 1838, which was recommended by the Committee on Indian Affairs, and which is as follows:

"*Provided always, and be it further resolved, two-thirds of the Senate present concurring*, That the treaty shall have no force or effect whatever, as it relates to any of said tribes, nations, or bands of New York Indians, nor shall it be understood that the Senate have assented to any of the contracts connected with it, until the same, with the amendments herein proposed, is submitted, and fully and fairly explained, by a commissioner of the United States, to each of said tribes, or bands, separately assembled in council, and they have given their free and voluntary assent thereto; and if one or more of said tribes or bands, when consulted as aforesaid, shall freely assent to said treaty as amended, and to their contract connected therewith, it shall be binding and obligatory upon those so assenting, although other or others of said bands or tribes may not give their assent, and thereby cease to be parties thereto. *Provided, further*, That if any portion or part of said Indians do not emigrate, the President shall retain a proper proportion of said sum of four hundred thousand dollars, and shall also deduct from the quantity of land allowed west of the Mississippi, such number of acres as will leave to each emigrant three hundred and twenty acres only."

Thus it appears that we sanctioned the treaty of the 15th of January, 1838, on the *express condition* that the treaty, as amended by us, should be approved of by a majority of the chiefs of each tribe, separately assembled in open council, and after it had been by our commissioner fairly and fully explained *in open council*, and by a majority of them freely and voluntarily assented to in open council.

Well, sir, what next? With the treaty, as amended, our commissioner was once more despatched to his red brethren, with whom he had previously been so very successful, to obtain their assent to the treaty in its amended form. He received his instructions on the 9th of July, 1838, and was at his post in the month of August following. He succeeded in obtaining the assent of all the tribes but *the Senecas*. These he found, as usual, a little refractory. He met them in council on the 17th of August, in a council house he had built for the purpose; and as many of the chiefs were absent, he, at the request of the Indians, adjourned the council for three days. On his return on the 20th, he found his council house *burnt down*—the work of an incendiary. He built him another, and then fully and fairly explained the treaty and the amendments made to it by the Senate. He found the Senecas decided, not upon the subject of selling us the Green Bay lands, but upon the subject of *emigration*, which to us was a matter of no consequence. He gives us the decisions in the tribe, in a very minute and satisfactory manner. He then tells us that

"It will be recollected that at the time of making the original treaty, providing new homes for these Indians at the West, and the means of removing and subsisting them, that another treaty was signed between this tribe and the pre-emption owners, under the supervision of a superintendent from Massachusetts, conveying the Indian rights to their several reservations in New York. That treaty of sale was ratified by the Governor and Council of Massachusetts. At the late council, it was the sale under this treaty, and not the advantages secured under the one negotiated by me, that formed the principal subject of consideration. The Government treaty was generally conceded to be liberal and advantageous; still there appeared to be a settled purpose on the part of some to misrepresent the value of the advantages secured under it as one means of defeating the other."

Here, Mr. President, we have the whole story, fresh, full, and complete, from the lips of our frank and candid commissioner. *It was the sale to the land company*, brought about, as I have shown you, by bribery and corruption, that has occasioned the failure of our commissioner in perfecting, from this tribe, the purchase of their Green Bay land. Our treaty, he tells us, was considered liberal and advantageous, and with it no fault was found, and, I confess, it would have been passingly strange to me, if there had been any objections to it.

And now let me ask, if our *real* object had been to purchase the Green Bay land, why was our treaty embarrassed by negotiating with them for their removal beyond the Mississippi? Why not let them remain? they are not in our way. We are not bound, in any manner that I know of, to purchase their lands for these pre-emptioners. What have they done for "the State" that we should give them a million or so of dollars, in cash and land, to aid them in their speculations. Sir, our commissioner desired honor, and glory, and promotion; and he was taught to believe, and no doubt

truly, that if, by negotiation, he could succeed in getting those Indians out of New York and over the Mississippi, at the expense of the United States, that glory, and honor, and promotion would be his reward.

Sir, the Green Bay lands, if ever the subject of *serious* discussion at any time, were all along considered but a trifling matter with either the Indians or our negotiator. But I proceed, for I have yet, sir, a good deal of ground to travel over.

The commissioner tells us, that, "at an early period of the council, that Marius B. Pierce, then an opponent of the treaty, in public council proposed to me the following questions."

"1. If the amendments of the treaty were not now assented to, whether I could adjourn the council; and whether, if not adjourned, it could be again convened?

"2. Whether the Senate could recede from its amendments?

"I was also asked, at about the same time, by others in council, whether the deed to the pre-emptive purchasers, being ratified by the Governor and Council of Massachusetts, was obligatory upon the nation, without further action on the part of the nation? Also, whether the Senate of the United States had any legal jurisdiction over the subject?"

To those questions the commissioner declined giving any answer; and as he has not condescended to tell us why these questions were asked, I will endeavor to supply his omissions as I feel myself able to do, from the testimony before us. The first question was asked because the opponents of the treaty then had a majority in council against the treaty, and were able to vote it down, and he was apprehensive that the commissioner might keep adjourning the council from day to day, until a majority might be got *in some way or other* to assent to the treaty. He and his friends were then neglecting their private affairs; were poor, without money, and depended for their bread upon their daily labor. They wanted to see the council closed, that they might go home; they were unwilling that the council should be kept open any longer, or convened again, after it was closed. These were Pierce's reasons for asking the first question.

He asked the second, because he had been told, as an inducement for their agreeing to the treaty, that the Senate would, *if necessary*, recede from its amendments, and that the treaty would be ratified as originally made, and then, in that event, they would lose the *rewards* and *life-leases*, &c. which they then had it within their power to obtain from their friends, the generous and liberal minded pre-emptioners.

The third question was asked, because they were told the New York land was gone at any rate—that their deeds had been approved by the Governor and Council of Massachusetts. The commissioner also declined answering this question; but afterwards, "learning that General Dearborn had expressed a *different opinion*," (from that expressed by the head of the Indian bureau, and

by Mr. Ward, a clerk of that bureau,) " I informed the council of it, and General Dearborn gave Governor Everett's reasons for his opinions. The Indians were then left to form their own conclusions on the question of title and probable action of the Senate. *I then informed the Indians that, if the interests of the Indians required it,* I believed I had the right, and should adjourn the council to some future day." Yes, sir ; and he did adjourn the council. The opinions of Governor Everett, respecting the validity of the sale, produced this result. The pre-emptioners could no longer frighten them " with the scarecrow" that their lands were gone. This being the case, it became necessary for the pre-emptioners to change their mode of attack ; and time was necessary to agree apon the *modus operandi :* and therefore the council was adjourned.

The next entertainment we have of the commissioner is as follows :

" Learning from the discussions in council, that many desired to remain longer than five years on the reservation, I induced the agent of the pre-emptive owners, on the 26th of September last to authorize me in writing, to say to the council that he would, on behalf of the pre-emptive purchasers, agree to allow them to occupy their farming lands ten, instead of five years. His proposition is marked No. 30. This offer did not, as *was anticipated,* produce unanimity of feeling. Some said it was their desire to remain for their lives ; but that they were willing others might remove if they chose to do so. In connection with General Dearborn, I requested the agent to offer life leases, free of rent, to all who chose to remain. His offer to do so is marked No. 31. Without consulting with a single individual, a chief in the opposition, by the name of Israel Jemison, rose and stated that he was authorized to say that the opposition *unanimously* declined the proposition. Knowing that no one had authorized him to speak on a subject but that moment named in council, I did not consider his statement entitled to any respect. No one of the opposition rising to set him right in such a case of palpable falsehood, I became satisfied of the truth of the allegation so often made, that many *dare* not speak their minds in council, and that compulsion was used to prevent chiefs from signing."

He talks of *fear* and compulsion ! Why should they fear ? Why should the Indian warriors manifest a timidity which, in a virtuous cause, would disgrace even their squaws ? They fear because they are in a minority, and know they are doing, *from base and mercenary considerations,* what a majority of their people disapprove of. Their fear is but the palpable evidence of a guilty heart ! An honest man, red or white, fears nothing ! Cowardice and trembling are the attributes of a guilty conscience !

He tells us that—

" Immediately after communicating and explaining the offer of life leases to all who desired them, I presented the manuscript copy of the amended treaty, to which I had attached a written assent. I informed the council that those who chose to do so could sign it there, and those *who, from fear,* or *other cause,* preferred signing at my room in presence

of myself, the superintendent from Massachusetts, the agent, and such other persons as might be present, might do so. I then received sixteen signatures, and subsequently at my room, in presence of General Dearborn, thirteen, and two other signatures at the rooms of chiefs who were too unwell to attend council, making in all thirty-one chiefs."

Yes, sir, with all the bribery I have previously alluded to, with *life leases, free of rent, for all who chose to stay, embracing the whole tribe*, we yet find the commissioner unable to get, in *open council*, as he was required to do by the resolution of the 11th June, 1838, but *sixteen signatures of assent*, out of eighty-one, to the amended treaty; and, in addition to these sixteen, he obtained afterwards, *not in council*, but at his *private lodgings*, the signatures of assent of thirteen more, and at *their own residence* the signatures of two others, making, in all, but thirty-one, obtained, as before stated, out of eighty-one chiefs belonging to the Seneca nation. Finding this to be the case, he then, on the 2d of October, after laboring, if not praying and fasting, for upwards of forty days in the wilderness with the heathen, he informed the *agent of pre-emptioners*, (*not the Indians with whom he was negotiating*,)

"That he should adjourn the council, as there seemed to be no more disposed to sign the assent. A question having been raised, (he tells us) whether the assent had been sufficiently signed or not, (that is, whether thirty-one, if there had been no objection to the *manner* of obtaining their signatures, was a majority of eighty-one,) he (the agent of the land company) desired me to adjourn to a future day, and that, in the mean time, I could report to you."

He adjourned the Council to the 15th of November.

"On adjourning the council, I read them a talk, which is marked No. 39. The Indians who are opposed to emigration did not object to this adjournment, and, in making it, I did what I thought due to them and *to the purchasers*. If the assent is not sufficiently signed, it may be done at a future day, and the emigration party, who have listened to the advice of the Government, may be saved from the oppression which would otherwise await them. If there were not signatures sufficient to meet your approbation, and it should turn out that the legal title is in the purchasers, then the condition of the Senecas would be deplorable. They would be without a home, though one had been freely offered to them."

Poor Senecas! how stubborn and stiff-necked they are! Why will they not listen to the pathetic advice of the Government, so eloquently delivered, and save themselves from oppression? Why will they not see that if it should so happen that the title to their lands is vested in the purchasers, how deplorable will be their condition? Why will they not see (what no one else but the commissioner could perceive) that if the treaty should not be assented to, that they would be without a home—without even the Green Bay lands, which they refuse to sell us? What insanity! How unreasonable they are in desiring to retain their ancestral homes and firesides! How cruel and hard-hearted they are, in refusing to gratify the *humane* and *benevolent*, and *Indian-loving*, and *God-*

serving pre-emptioners! Oh, Senecas! Senecas! How you astonish your gray-headed fathers of the Senate!

Mr. President, we now find our commissioner laying aside his poetry and his predictions, and talking mathematically. After stating the number of chiefs who signed the treaty, and their *manner of signing it*, he then puts the question to the Secretary of War to know if it be necessary to have the assent of all the chiefs upon the reservation.

"If so [he says] it was not sufficiently signed *in my presence*. [And he might have added it was still *less sufficiently in open council*, as it was required to be done by the Senate's resolution.] If not, need it be signed by more than a majority of all who, at any time, attended the council? [He then reminds us of what we would not otherwise probably have thought of, that] this is what is usually required in legislative bodies, and reasoning from analogy, the assent is sufficiently signed. If it requires a majority of all who may have been, from time to time, for short periods, at council, it is not in my power to give you the necessary facts whereon to decide."

Now, sir, our most worthy commissioner, (who is an ex-member of Congress, and who, on that account, should be presumed to be familiar with the proceedings of deliberative bodies,) has lost sight of one very important point in his analogy, which is, that the official acts of members of Congress, out of their respective houses, (alias, the councils,) are nugatory. Does he not know that if members of Congress were to sign their assent to the passage of bills, or if Senators to the ratification of treaties, at their private rooms or lodgings, as this Indian assent (in part) was signed, that it would be nugatory, nonsensical, and unconstitutional? I leave the question to himself to answer. Speaking of analogies, I will go a little farther, and as he has said it better than I can say it, I will avail myself of the remarks of Gov. Everett upon this subject:

"The treaty making power [says the Governor] is granted by the Constitution in general terms. No modification of its exercise, in reference to Indian tribes, is recognised, as it would certainly be unconstitutional for the President of the United States to attempt to treat with individual members of any foreign State or Government, (not duly authorized to represent such body,) or to attempt to obtain the ratification of a treaty by means of the assent of individuals of the Senate, not duly assembled and acting as such." "I remain of opinion that the constitutionality of attempting to obtain the assent of individual Indian chiefs to the amended treaty, in the manner in question, is doubtful."

Sir, were ever these old, safe, rational, and salutary rules dispensed with by our Government, in treating with any nation, foreign or domestic, civilized or savage? I know of no dispensation of those time-honored and customary forms in any case whatever. I hold, that if it be necessary to treat at all, that we should treat according to the ordinary and constitutional forms.

The commissioner concludes his report by telling us, what we could well have imagined, that all the expenses of the amended treaty

had been defrayed by the United States; and thinks if any further expenses are to be incurred, that the pre-emption purchasers should pay *their part of it*. He ought to have said the *whole of it*, as it would all be for their private benefit.

The report of General Dearborn to General Everett corresponds, in the main, with that of Mr. Gillett, and therefore I shall not be considered, I hope, as treating that able State paper with disrespect, if I dispose of it very briefly.

General Dearborn tells us that,

"Among the numerous and very cogent reasons which were urged by the commissioner for inducing the Indians to assent to the amended treaty, during the progress of the long protracted deliberations, he observed that he had been directed by the officer at the head of the bureau of the Indian Department, to state, as his opinion, that the contract of the Indians for the sale of their right of possession to the Ogden Company was complete, and might be carried into effect, whether the treaty with the United States was ratified or not.

"As this was the only statement made by the commissioner, to which I did not fully concur, I informed the chiefs it became my duty to announce to them that the Governor of Massachusetts entertained a different view of the subject; and was authorized to state, that unless the amendments made to the treaty were assented to, he considered the contracts, for the sale of their right of possession, null and void; but that he did not undertake, peremptorily, to decide a question of such great importance; that it was one which required the most grave and deliberate consideration, and must ultimately be referred to the highest judicial tribunals of the country, if it should be insisted on by the pre-emptioners.

"It was, therefore, for the chiefs to determine how far their decision was to be influenced by the doubtful position in which the subject was placed, from these conflicting opinions; for if they should reject the treaty, and the contracts for the sale of their reservations were declared binding, they would be left without a home."

This disclosure needs no comment. The unfairness and reprehensibility, on the part of the commissioner, of the use of such terrible and unsound arguments to the ignorant Senacas, is obvious to all. The general also tells us, that

"The commissioner was induced to afford the last named accommodation, in consequence of having been informed that there were several chiefs who are in favor of emigration, but were afraid to sign the treaty publicly, as they had been threatened with fatal consequences if they did. Intimidation has been extensively used by the leaders and their partisans in the opposition, for the purpose of defeating the wishes of those who are desirous of removing to the West. The commissioner was informed by the chiefs of the Tuscaroras, that threats had been sent to them from the Tonewanda reservation, to deter them from ratifying the treaty.

"It had been repeatedly represented, during the last council and the present, that there were a number of Indians, and especially among the aged, who were desirous to remain here, and who often observed: 'Let the young go to the new country, beyond the great river, if they wish, but we are to old too begin new establishments; we had rather live and die where we have so long resided, on the land of our fathers.' To obviate this objection to the ratification of the treaty, the commissioner recom-

mended to the pre-emptioners that they should offer to give leases for life, free of rent, to such Indians as were anxious to remain, and I concurred in opinion as to the propriety of that measure, believing that it would not only be just towards the Indians, but considered as beneficent, magnanimous, and liberal on their part, let the result be what it may; that I considered it important it should be done in open council, and made general in its operation, to preclude every ground of complaint or misrepresentation.

The pre-emptive agents having been finally induced to adopt that measure, a communication was made to the commissioner, for carrying it into effect, which he laid before the assembled chiefs immediately after he had concluded his remarks on the method in which the assent was to be given to the treaty.

"One of the chiefs, in behalf of those in the opposition, then rose and stated, that they did not desire to avail themselves of the offer which had just been made by the pre-emptive owners; and observed that they wished the council might be kept open, after those had signed the treaty who were present, as they desired to execute, in the presence of the commissioner of the United States and superintendent of Massachusetts, a written declaration of their dissent. The commissioner replied that he was not authorized to authenticate any document other than such as he had been specially directed to submit for their consideration, and therefore could not with propriety keep the council open for the purpose which had been stated.

"I was then reminded by another chief of the opposition party, that I had informed them on the opening of the council, although I was not instructed to advise them either to remain where they were or to emigrate to the Indian Territory in the West, I had been sent there by the Governor of Massachusetts to see that impartial justice was done to the Seneca nation of Indians, and that I had observed, on another occasion, I should not be deterred by the flash of the tomahawk or the crack of the rifle in the independent and honest discharge of my duty; and as I should be a witness to such of the chiefs as were in favor of emigration, who signed the treaty, 'MY HEAD WOULD NOT BE STRAIGHT' unless I also verified their proceedings; and then asked me if I would remain for that purpose.

"I answered, that I considered it my duty to comply with all proper requests, from any portion of the Seneca Indians, so far as it was in my power to do so; that I should, with great pleasure, remain and witness the signatures to the declaration which it was proposed to execute after the commissioner of the United States had retired from the council house.

"As many of the emigration chiefs were absent, only sixteen names were affixed to the treaty, in council, on the 28th ult.; and immediately after the adjournment, the written declaration of the chiefs opposed to emigration was produced and signed in my presence."

Here we find that our commissioner refused to receive the list of names of the dissenting chiefs, or what they called their protest, which was tendered him *in open council.* But General Dearborn, who is a military man—a man of mettle—who is not, as he informs us, to be "deterred from a faithful discharge of his duty by the flash of the tomahawk or the crack of the rifle," did receive

and witness this dissent, or protest; and forward it, according to the request of the Senecas, to Governor Everett. This protest contained the names of *sixty chiefs*, out of eighty-one, and is to be found in our printed document, at page 174. Here ends my review of the reports of Messrs. Gillett and Dearborn, upon their first embassy. They had another, which I will briefly dispose of; but, before doing so, it will be necessary to notice the official action of the head of the Indian bureau, upon our commissioner's report. Let us now see how Mr. Crawford viewed this matter. Mr. Crawford says, in his letter to the Secretary of War, of the 29th of October, 1838:

"The only difficulty in the way of regarding the acts of the Indians as meeting the resolution of the Senate, that appears to me insuperable, concerns the assent reported to have been given by the Senecas. There are in this band seventy-eight chiefs. The assent of sixteen was obtained in council, of thirteen at the room of the commissioner, and of two others at their own quarters, making thirty-one; and, since the arrival of Mr. Gillett in Washington, he has received the written assents of five more, properly authenticated, making an aggregate of thirty six. The commissioner reports that not more than sixty-one chiefs attended the council at one time, and thirty-six is more than one-half of the number of chiefs that probably gave their attendance in council at all the meetings; two of the chiefs, it is said, hold a questionable authority, and two have removed from the country. Is this an assent of the tribe by the chiefs? The authority of the band resides in *all* the chiefs; and although uniformity in their views can scarcely be expected, at least a majority of the chiefs, not of those who appeared in council, but of all upon the reservation, it strikes us should consent to constitute the "free and voluntary assent" *of the tribe.* Deduct the two who, it is represented, exercise a doubtful authority, and the two who have removed, and seventy-four chiefs of the Senecas remain, of whom, including the five whose assents were not attached to the modified treaty, but transmitted by mail, and we have thirty-six only. The last five, in my opinion, cannot be reckoned; but I have not noted more particularly the defective manner of their assenting, because it was, in the view taken, unimportant. Perhaps, too, it *was intended by the Senate that they should consent in council.* Mr. Gillett states in his report that a printed copy of the treaty and amendments was handed him, to which was affixed the signatures of thirty-five chiefs and one hundred and seventeen warriors, declaring their assent thereto. *This writing is dated six days before the assent in council was obtained, preceded, as I presume, by the full explanations of the commissioner, and although witnessed by James Stryker, United States sub-agent, and H. P. Wilcox, and no doubt fairly obtained,* (for it embraces the names affixed to the assent prepared by Mr. Gillet, and four additional ones,) *can scarcely, it seems to me, be considered as within the intent of the Senate.* If, however, you should think differently, the four chiefs, added to the whole number first mentioned, would give forty assenting chiefs out of seventy-eight. Even if the legal right was as clear the one way as it appears to be the other, would it be expedient to act upon it? The Senecas are evidently divided into two very nearly equal parties, the one for and the other against the treaty, splitting on the subject of emigration, which is much to be regretted. Their own true interest and the liberal views of the Government they do not comprehend,

and however desirable it is that they should leave New York, which would be the probable, but *not the necessary consequence of the ratification of the treaty*, one-half of them appear to be otherwise determined for the present. The report and accompanying papers show that much excitement prevails among them on the subject, and makes it too certain that but for bad advice they would accede to the proposed terms, which perhaps a renewed application might find them willing to do. For this last purpose the door is still open, as the council was adjourned to the 15th of November next."

This letter of Mr. Crawford construes, and *properly construes*, the Senate's resolution of the 11th of June, 1838. Having submitted his letter to the Secretary of War, containing his opinions, &c. the Secretary advised upon the subject, and gave Mr. Crawford instructions for *future operations*, and these instructions Mr. Crawford embodied in his letter to Mr. Gillett, of the 30th of October, 1838, and which is as follows, viz :

"SIR: Your report and the treaty with the New York Indians, assented to as amended in the Senate of the United States, have been submitted to the Secretary of War. He is of opinion that the consent of a majority of *all* the Seneca chiefs must be obtained, but that, as you have heretofore met the requirement of the Senate by full explanation to them in council, you may proceed to the Seneca reservations, *and there obtain the assent of such Indians as have not heretofore given it.*

"You are accordingly authorized and requested, at your earliest convenience, to proceed to the Seneca reservation in New York, and to carry out the above views. Your service among the people qualifies you fully for the discharge of this duty, and gives assurance of its fair, honest, and capable performance.

"Very respectfully, your most obedient servant.

T. HARTLEY CRAWFORD.

"Hon. R. H. GILLETT, now at Washington.

Here we have, sir, what I consider a false step in this negotiation, which was not warranted by the resolution of the 11th of June, 1838, nor sanctioned by usage or sound policy, in making treaties with any nation or Indian tribe whatever. Here, sir, is the red book, which contains all of our Indian treaties from the earliest period to the present day, and I boldly challenge any Senator to show me in it a single treaty ever made by us with an Indian tribe, which was not made with them *in council*, or else by delegates, duly authorized by the council to make such treaty. Sir, the McIntosh treaty, which was made at the Indian Springs in Georgia, forms no exception to the principle I have here laid down. That treaty purported to have been made *in council*, and to have been assented to by a majority of the chiefs, and to have been agreeable to a majority of the Creeks. These important, and leading, and controlling facts, were *vouched for* and *asserted* by our commissioner, on that occasion, in his report. Relying upon the truth of that statement, the Senate *ratified that treaty*—and what followed? McIntosh was murdered, and his followers were driven, for refuge and safety, out of the Creek nation into the white settlements. President Adams refused to carry that treaty into effect;

and, the following session of Congress, laid the *facts* of the treaty before the Senate—and what did the Senate do with it? The Senate investigated it, and, finding it had been made by a *minority* of the chiefs, and by bribery and unfair means, the Senate declared it *null and void;* and yet, sir, with a knowledge of the proceedings of the Senate upon that treaty, we find, by Mr. Crawford's instructions to Mr. Gillet, which I have just read, that our commissioner was authorized to proceed, for a third time, to the Seneca reservation, and there obtain "the assent of such Indians as had not heretofore given it."

This mode of hunting up Indians, and of getting their signatures, *out of council*, in the woods, or any where, wheresoever they may be found, seems not to have been very cordially approved of by General Dearborn; and upon ascertaining this fact, we find Mr. Crawford addressing another letter to Mr. Gillett, of the 19th of November, 1838, in which he says: "The instructions given you when here, it seems to me, *would justify your assembling of the Senecas*, should *you deem it necessary*. But to remove any doubt, I am directed by the Secretary of War to say, *that if General Dearborn desires it*, you are authorized, *at your discretion*, to hold such council."

Here we find it a *matter of doubt* whether Mr. Gillett's instructions would authorize him to convene a council, and it is stated that *he is not to convene the council* unless General Dearborn *should desire it*, and not even then, unless *at his discretion*. And he never did convene the council, although it will be remembered that, on the 20th of October previous, the commissioner had not closed the council which he was then holding, but had publicly adjourned it to the 15th of November. This public pledge, which we find *studiously violated*, seems to have given the parties concerned in it no sort of uneasiness, or to have needed any sort of apology. This violation of a public pledge by a duly authorized commissioner, is justified, though not avowed, on the ground, I suppose, that we are not bound, according to modern ethics, to keep faith with heretics or infidels; and we are called upon, as the high priests of the United States, on the alleged, but fallacious, pretext of *expediency*, to endorse this code of morality.

Mr. Gillett says, in his report upon this mission, that "*he visited such places on the reservations* as he was desired to by any of the chiefs. Eight of the signatures were received at *his room in Buffalo*—one at his former lodgings at Buffalo creek, and one at the residence of the sub-agent." These ten, added to the thirty-one before received, makes forty-one altogether, which is a majority of one, and then he insists that the treaty had been assented to; if not according to the resolution of the Senate, it was assented to according to the instructions of the War Department.

General Dearborn's report, in the main, varies but little from that of Mr. Gillett. He states, however, that he thought there ought to

have been a council, but seems to have acquiesced in the other mode, as Mr. Gillett showed him the instructions he had received of Mr. Crawford of the 13th of October, by which he considered himself *prohibited from calling a council.* It is *denied* that Mr. Gillett said any thing to General Dearborn about his *subsequent instructions* of the 12th of November, 1838. As Mr. Gillett no doubt intended to avail himself of the *discretion these instructions* gave him, and finding the pliant New Englander acquiescing in his views of expediency, he never did inform General Dearborn of those instructions. General Dearborn, in his letter to Gov. Everett of the 19th January last, says, he *never saw or heard of the instructions of Mr. Crawford to Mr. Gillett of the 12th of November*, 1838, and yet the credulous General, after he had found out the existence of such *secret instructions* some time after the negotiation was ended, and after the whole proceedings were published, seems to take no offence at the circumstance, but states that he believes (a belief, to say the least of it, which shows on his part, a marvellous credulity) that his not seeing those instructions was *undesigned* and *accidental.*

Mr. Crawford, in his letter to the Secretary of War of the 15th of January, 1839, upon the subject of the last reports of Mr. Gillett and General Dearborn, says:

"That ten additional assents had been obtained, but that two of which are not manifested, by the *party appearing* and *signing in person.* The reasons given for their not appearing and signing in person the treaty as modified, are that *one of them was absent*, and the other prevented from doing so by the acts of chiefs opposed to the treaty."

These are important details, and are not to be found in the printed report of Mr. Gillett, before whom these transactions occurred, and which probably accounts for the fact that several of the chiefs, whose signatures appear to the treaty, deny ever signing or assenting to the treaty, or of *authorizing any other person to do so for them.* I say important, because it will be observed that those two, signing by attorney, constitute what is claimed as a majority of the chiefs. Mr. Crawford concludes his letter by submitting the treaty, signed in the manner we have seen, by forty-one chiefs, for the consideration of the Secretary of War.

The Secretary of War reports upon this treaty to the President, of the 19th January, 1839, and recommends the President to submit it to the Senate. Here let me remark, that the President is authorized by the terms of the resolution of the Senate of the 11th of June, 1838, to promulge this treaty, without again consulting the Senate about it, *whenever* he is satisfied that it has been assented to, according to the true meaning and intent of the resolution of the 11th of June, 1838. The President deemed it advisable, for reasons set forth in his message to the Senate of the 21st January, 1839, not to promulge this treaty, but he submitted it again for our

advice. By doing so, he has shown that our confidence had not been misplaced. He has shown, most abundantly, that though he appreciated the wishes and interests of New York and of Massachusetts, that he was, at the same time, not disposed to gratify even those two powerful States, at the expense and sacrifice of the just claims of even a small fragment of wretched and miserable Indians. He had the power to speak but a single word, and close up this controversy for ever. But, sir, he wisely preferred adhering to the immutable and eternal principles of justice, to the pecuniary gains of Massachusetts or New York; he preferred preserving, with scrupulous fidelity, our national character, and honor, and honesty, to the contemptible spoils and laurels which might be gathered in triumphing, by forced and unlawful means, over a handful of ignorant savages. Sir, he resisted importunities, and refused to promulge the treaty, and sent it back to the Senate, to his impartial constitutional advisers, for their consideration. And how did the Senate dispose of it? Let the report of the Committee on Indian Affairs of the last session, and of the resolution of the 2d of March last, founded upon that report, answer the question. What is the resolution of the 2d of March?

"*Resolved*, That whenever the President of the United States shall be satisfied that the assent of the Seneca tribe of Indians has been given to the amended treaty of June 11, 1838, with the New York Indians, according to the true intent and meaning of the resolution of the Senate of the 11th June, 1838, the Senate recommend that the President make proclamation of said treaty, and carry the same into effect."

Sir, we adopted that resolution for the purpose of giving the parties interested another opportunity, which they desired, to get the treaty assented to by the Senecas. This was done on the 2d of March, the day before we adjourned the last Congress.

On the 7th of that month, four days after the adjournment, and before the treaty we had thus disposed of had left the Secretary's office, so far as I know, but certainly before it had left the War Department, we find Nath. T. Strong, a Seneca chief, in a letter to the President, misrepresenting the views and proceedings of the Senate upon that treaty, and urging him to ratify it. On the 9th of March, we find Mr. Allen, the agent of the land company, of whom I have before spoken, in his letter to the President, urging him to ratify the treaty, which the Senate had refused to do but seven days before. He furnishes the President the same list of chiefs we had had before us, which he contended was a majority of the Senecas.

On the 11th, we find Mr. Wilcox, another prominent individual throughout the whole of this long protracted negotiation, in his letter to the President, urging him to ratify the treaty, and endorsing the truth of Allen's statement relative to the number of chiefs.

On the 11th, we find Mr. Stryker, the sub-agent, in his letter to the President, furnishing a list of the chiefs, with the same view.

On the 4th of April, we have a letter to the President, from the Ogden Land Company, with the same view; and on the 6th of March, two days after we adjourned, we find that two of our brother Senators, Messrs. Tallmadge and Norvell, furnished to this same Mr. Allen, for the purpose of showing (what they no doubt believed, and for which I attach no blame) that the requirements of the Senate, by the resolution of the 11th of June, 1838, that the treaty should be assented to in open council, was dispensed with by the resolution of the 2d of March. I can only say that that was not my understanding of the resolution of the 2d of March. What is that resolution? The resolution of the 2d of March authorized the President to make proclamation of the Seneca treaty *whenever* he should be satisfied that the amended treaty had been assented to, *according to the true intent and meaning of the resolution of the 11th of June*, 1838. And how was that resolution of the 11th of June construed? Let the report of the Committee on Indian Affairs answer. And how was it construed by the *commissioner*, and by the War Department, until it was found *expedient for them to give it a different construction?* Let the history of this negotiation, which the published documents fully furnish, answer the question. How was it construed by the President? Let his message of the 14th of January last answer the question.

Construing these resolutions as we did, the President refused to promulge the treaty, notwithstanding all the efforts made to induce him to do so. He despatched the Secretary of War, last August, to Buffalo, for the purpose of submitting the amended treaty to the Senecas, containing the views of the Senate, as re-affirmed by the resolution of the 2d March. He convened a council for this purpose, and what was the result? The Secretary has given us nothing but the speeches of himself, of General Dearborn, of the agent, and of the Indian chiefs, for and against the treaty. But the President, in the message of the 14th of January last, transmitting this treaty again, and for the third time, to the Senate, for *ratification*, has given us the result of the Secretary's negotiation in *three italicised* lines, (multum in parvo,) which is, that "*no advance towards obtaining the assent of the Senecas to the amended treaty, in council, was made, nor can a majority of them, in council, be now obtained.*"

I have now, sir, endeavored to give the Senate a full and impartial, though I fear a tedious, history of what I consider the important points of this whole matter, from the beginning up to this day; and in doing so, I have based my statements upon the official published documents emanating from the public agents and officers of the Government. I have not relied, because such testimony, however unjustly, in some instances, might be cavilled at, upon Indian

statements and Indian affidavits. Nor have I relied, for any thing I have said, upon the written statements of the Quakers, who are viewed by some gentlemen as officious intruders and intermeddlers in this affair—not because I do not consider their statements as entitled to the fullest belief, but because I have not found such reliance necessary.

Now, sir, having wholly failed, after two years of expense and trouble, of trials and tribulations, backed by the potent influence of New York and Massachusetts, and of the *active members* of the land company and their *rewarded* chiefs, to obtain, in open council or otherwise, the voluntary assent of a majority of the Seneca chiefs to the very liberal treaty we are now considering—a treaty by which we agree to give to the Senecas, for their part of the Green Bay lands, their portion of the $400,000 in cash, and their portion of the 1,800,000 acres of land west of the State of Missouri—having failed in all this, what shall we do? Shall we throw our treaty in the fire, and *take by force* what we have been unable to accomplish by negotiation? It is a grave question for the Senate to decide. If history is to be credited, it is not an unusual occurrence for the weak and helpless to be robbed and preyed upon by powerful civilized communities *professing* Christianity. Sir, when Cæsar demanded the public treasure of Rome, he scorned the production of any other warrant than his sword. And if we *really* want the lands of the Senecas for our masters—for this huge and overgrown land company—we have but to use a similar argument, and no doubt it will be attended with similar success. Sir, if we decide upon such a step, let us accomplish our purpose in the bold spirit of the valiant highwayman, and not by the trick and trap, the shuffling and legerdemain of a spurious treaty? If we have determined to give up our honesty, I hope we shall at least preserve our reputation for courage.

By a census of the Senecas, which has been furnished us, it appears that not only a majority of the chiefs, but also, about fourteen-fifteenths of the whole population, are against the treaty, and opposed to emigration. This proportion, we find existing now among them, after all the influences I have before alluded to have been brought to bear upon them for upwards of two years. And, sir, what is more, after endeavoring, in addition to all this, to *starve them into submission*, by withholding from them until late in the summer of 1838, their annuity of 1837, I will read to the Senate, for their information, the lettter of Mr. Harris of the 14th of March, 1838:

WAR DEPARTMENT,
Office of Indian Affairs, March 14, 1838.

"SIR: In regard to the inquiries contained in the honorable Mr. Marvin's letter of the 2d instant, referred by you to this office for a report, I beg leave to observe, that it is known here that the Seneca annuity for

1837 has not been paid. Remittances were made for the purpose in June last; but owing to various causes, among which were the absence of an exploring party to the West, *the pendency of a negotiation with the New York Indians*, and the engagement of the disbursing agent in the suppression of the hostile movements on the Canada border, the payment has not been made. *The sub-agent, now here, informs me that it is not desirable it should be made until the return of the delegation now in this city.*"

Very respectfully, your most obedient servant,

C A. HARRIS, Commissioner.

Hon. J. R. POINSETT, Secretary of War.

Sir, the Indians now are, as they have been from the beginning, agitated, excited, and unhappy, about this treaty; and I now hope that, on this day, the Senate will quiet their agonizing apprehensions by finally disposing of it—by ratifying or rejecting it.

I had thought the treaty an advantageous one to the Indians. I think so still. But I am not disposed to force upon them a measure, though calculated, as I believe, to redound to their advantage, which they *literally abhor*. Whenever they may manifest a disposition to go westward, I, for one, will be willing to give them a home. But, in any future treaty we may have with them, should this one be rejected, I hope we shall have nothing to do with the Massachusetts land company. Let this company extinguish their right of occupancy themselves. And I here call upon those Senators who are so opposed to monopolizing companies and corporations—so averse to paying State, or company, or corporation debts, with public money or public lands, for objects of State or company purposes *exclusively*, to stand by me on this trying occasion, and prevent such a conversion of the public treasure to such unworthy purposes—to local purposes in which we have not a shadow of interest.

We have had before us a great mass of testimony (*ex parte* always) upon both sides, criminating and recriminating each other. We have looked over it all; and we of the committee congratulate ourselves upon being able to make up our minds upon the merits of this treaty from the fullness of our official documents, without relying, in any great degree, upon this *ex parte* testimony.

I conclude, Mr. President, by expressing the hope that the Senate will adopt the resolution reported by the Committee on Indian Affairs, which is a resolution to reject the treaty.

[No. 3.]

RESOLUTION BY THE SENATE.

Resolved, further, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the

supplemental article to the treaty concluded at Buffalo Creek, in the State of New York, January 15, 1838, which was made at the council house of St. Regis, on the 13th day of February, 1838: *Provided*, The chiefs and headmen of the St. Regis Indians, residing in New York, will in general council accept of and adopt the aforesaid treaty, as modified by the preceding resolution of ratification.

Provided, always, and be it further resolved, (two-thirds of the Senate present concurring,) That the treaty shall have no force or effect whatever, as it relates to any of said tribes, nations, or bands of New York Indians, nor shall it be understood that the Senate have assented to any of the contracts connected with it, until the same, with the amendments herein proposed, is submitted and fully and fairly explained, by a commissioner of the United States, to each of said tribes, or bands, separately assembled in council, and they have given their free and voluntary assent thereto; and if one or more of said tribes or bands, when consulted as aforesaid, shall freely assent to said treaty as amended, and to their contract connected therewith, it shall he binding and obligatory upon those so assenting, although other or others of said bands or tribes may not give their assent, and thereby cease to be parties thereto: *Provided, further*, That if any portion or part of said Indians do not emigrate, the President shall retain a proper porportion of said sum of four hundred thousand dollars, and shall also deduct from the quantity of land allowed west of the Mississippi such number of acres as will leave to each emigrant three hundred and twenty acres only.

Attest: ASBURY DICKINS, *Secretary.*

[No. 4.]

TREATY WITH THE NEW YORK INDIANS,

As amended by the Senate, and assented to by the several tribes, 1838.

Articles of a treaty made and concluded at Buffalo Creek, in the State of New York, the fifteenth day of January, in the year of our Lord, one thousand eight hundred and thirty-eight, by Ransom H. Gillet, a commissioner on the part of the United States, and the chiefs, headmen, and warriors, of the several tribes of New York Indians, assembled in council, witnesseth:

Whereas, the Six Nations of New York Indians, not long after the close of the war of the revolution, became convinced, from the rapid increase of the white settlements around, that the time was not far distant when their true interest must lead them to seek a new home among their red brethren in the west: And whereas, this

subject was agitated in a general council of the Six Nations as early as one thousand eight hundred and ten, and resulted in sending a memorial to the President of the United States, inquiring whether the Government would consent to their leaving their habitations, and their removing into the neighborhood of their western brethren; and if they could procure a home there, by gift or purchase, whether the Government would acknowledge their title to the lands so obtained in the same manner it had acknowledged it in those from whom they might receive it; and further, whether the existing treaties would, in such a case, remain in full force, and their annuities be paid as heretofore: And, whereas, with the approbation of the President of the United States, purchases were made by the New York Indians from the Monomonie and Winnebago Indians, of certain lands at Green Bay, in the Territory of Wisconsin, which, after much difficulty and contention with those Indians concerning the extent of that purchase, the whole subject was finally settled by a treaty between the United States and the Menomonie Indians, concluded in February, one thousand eight hundred and thirty-one, to which the New York Indians gave their assent on the seventeenth day of October, one thousand eight hundred and thirty-two: And whereas, by the provisions of that treaty, five hundred thousand acres of land are secured to the New York Indians of the Six Nations, and the St. Regis tribe, as a future home, on condition that they all remove to the same within three years, or such reasonable time as the President should prescribe: And whereas, the President is satisfied that various considerations have prevented those still residing in New York from removing to Green Bay, and, among other reasons, that many who were in favor of emigration preferred to remove at once to the Indian territory, which they were fully persuaded was the only permanent and peaceable home for all the Indians, and they therefore applied to the President to take their Green Bay lands, and provide them a new home among their brethren in the Indian territory: And whereas, the President being anxious to promote the peace, prosperity, and happiness of his red children, and being determined to carry out the humane policy of the Government in removing the Indians from the east to the west of the Mississippi, within the Indian territory, by bringing them to see and feel, by his justice and liberality, that it is their true policy and for their interest to do so without delay.

Therefore, taking into consideration the foregoing premises, the following articles of a treaty are entered into between the United States of America and the several tribes of the New York Indians, the names of whose chiefs, headmen, and warriors are hereto subscribed, and those who may hereafter give their assent to this treaty in writing, within such time as the President shall appoint:

General provisions.

Article 1. The several tribes of New York Indians, the names of whose chiefs, headmen, warriors, and representatives, are hereunto annexed, in consideration of the premises above recited, and the covenants hereinafter contained, to be performed on the part of the United States, hereby cede and relinquish to the United States all their right, title, and interest to the lands secured to them at Green Bay, by the Menomonie treaty of one thousand eight hundred and thirty-one, excepting the following tract, on which a part of the New York Indians now reside: beginning at the southwesterly corner of the French grants at Green Bay, and running thence southwardly to a point on a line to be run from the Little Cocaclin, parallel to a line of the French grants, and six miles from Fox river; from thence on said parallel line northwardly, six miles; from thence eastwardly to a point on the northeast line of the Indian lands, and being at right angles to the same.

Article 2. In consideration of the above cession and relinquishment, on the part of the tribes of the New York Indians, and in order to manifest the deep interest of the United States in the future peace and prosperity of the New York Indians, the United States agree to set apart the following tract of country, situated directly west of the State of Missouri, as a permanent home for all the New York Indians, now residing in the State of New York, or in Wisconsin, or elsewhere in the United States, who have no permanent homes, which said country is described as follows, to wit: Beginning on the west line of the State of Missouri, at the northeast corner of the Cherokee tract, and running thence north along the west line of the State of Missouri, twenty-seven miles to the southerly line of the Miami lands; thence west so far as may be necessary, by running a line at right angles, and parallel to the west line aforesaid, to the Osage lands, and thence easterly along the Osage and Cherokee lands to the place of beginning, to include one million eight hundred and twenty-four thousand acres of land, being three hundred and twenty acres for each soul of said Indians, as their numbers are at present computed. To have and to hold the same in fee simple to the said tribes or nations of Indians, by patent from the President of the United States, issued in conformity with the provisions of the third section of the act, entitled "An act to provide for an exchange of lands with the Indians residing in any of the States or Territories, and for their removal west of the Mississippi," approved on the twenty-eighth day of May, eighteen hundred and thirty, with full power and authority in the said Indians to divide said lands among the different tribes, nations, or bands, in severalty, with the right to sell and convey to and from each other, under such laws and regulations as may be adopted by the respective tribes, acting by themselves, or by a general council

of the said New York Indians, acting for all the tribes collectively. It is understood and agreed, that the above described country is intended as a future home for the following tribes, to wit: The Senecas, Onondagas, Cayugas, Tuscaroras, Oneidas, St. Regis, Stockbridges, Munsees, and Brothertowns, residing in the State of New York, and the same is to be divided equally among them, according to their respective numbers, as mentioned in a schedule hereto annexed.

Article 3. It is further agreed that such of the tribes of the New York Indians as do not accept and agree to remove to the country set apart for their new homes within five years, or such other times as the President may, from time to time, appoint, shall forfeit all interest in the lands so set apart to the United States.

Article 4. Perpetual peace and friendship shall exist between the United States and the New York Indians; and the United States hereby guaranty to protect and defend them in the peaceable possession and enjoyment of their new homes, and hereby secure to them, in said country, the right to establish their own form of government, appoint their own officers, and administer their own laws; subject, however, to the legislation of the Congress of the United States, regulating trade and intercourse with the Indians. The lands secured to them by patent under this treaty, shall never be included in any State or Territory of this Union. The said Indians shall also be entitled, in all respects, to the same political and civil rights and privileges that are granted and secured by the United States to any of the several tribes of emigrant Indians settled in the Indian Territory.

Artice 5. The Oneidas are to have their lands in the Indian Territory, in the tract set apart for the New York Indians, adjoining the Osage tract, and that hereinafter set apart for the Senecas; and the same shall be so laid off as to secure them a sufficient quantity of timber for their use. Those tribes, whose lands are not specially designated to this treaty, are to have such as shall be set apart by the President.

Article 6. It is further agreed that the United States will pay to those who remove west, at their new homes, all such annuities as shall properly belong to them. The schedules hereunto annexed shall be deemed and taken as a part of this treaty.

Article 7. It is expressly understood and agreed, that this treaty must be approved by the President, and ratified and confirmed by the Senate of the United States, before it shall be binding upon the parties to it. It is frther expressly understood and agreed, that the rejection by the President and Senate, of the provisions thereof, applicable to one tribe, or distinct branch of a tribe, shall not be construed to invalidate as to others, but as to them it shall be binding, and remain in full force and effect.

Article 8. It is stipulated and agreed that the accounts of the

commissioner, and expenses incurred by him in holding a council with the New York Indians, and concluding treaties at Green Bay and Duck Creek, in Wisconsin, and in the State of New York, in 1836, and those for the exploring party of the New York Indians, in 1837, and also the expenses of the present treaty, shall be allowed and settled according to former precedents.

Special provisions for the St. Regis.

Article 9. It is agreed with the American party of the St. Regis Indians, that the United States will pay to the said tribe, on their removal west, or at such time as the President shall appoint, the sum of five thousand dollars, as a remuneration for moneys laid out by the said tribe, and for services rendered by their chiefs and agents in securing the title to the Green Bay land, and in removal to the same, the same to be apportioned out to the several claimants by the chiefs of the said party, and a United States commissioner, as may be deemed by them equitable and just. It is further agreed, that the following reservation of land shall be made to the Rev. Eleazer Williams, of said tribe, which he claims in his own right and in that of his wife, which he is to hold in fee simple, by patent from the President, with full power and authority to sell and dispose of the same, to wit: beginning at a point in the west bank of Fox river, thirteen chains above the old mill dam, at the rapids of the Little Kockalin; thence north fifty-two degrees and thirty minutes west, two hundred and forty chains; thence north thirty-seven degrees and thirty minutes east, two hundred chains; thence south fifty-two degrees and thirty minutes east, two hundred and forty chains, to the bank of Fox river; thence up along the bank of Fox river to the place of beginning.

Special provisions for the Senecas.

Article 10. It is agreed with the Senecas that they shall have for themselves and their friends, the Cayugas and Onondagas, residing among them, the easterly part of the tract set apart for the New York Indians, and to extend so far west as to include one-half section (three hundred and twenty acres) of land for each soul of the Senecas, Cayugas, and Onondagas, residing among them; and if, on removing west, they find there is not sufficient timber on this tract for their use, then the President shall add thereto timber land sufficient for their accommodation, and they agree to remove from the State of New York to their new homes within five years, and to continue to reside there. And whereas, at the making of this treaty, Thomas L. Ogden and Joseph Fellows, the assignees of the State of Massachusetts, have purchased of the Seneca nation of Indians, in the presence and with the approbation of the

United States commissioner, appointed by the United States to hold said treaty, or convention, all the right, title, interest, and claim of the said Seneca nation to certain lands, by a deed of conveyance, a duplicate of which is hereunto annexed; and whereas, ethconsidera tion money mentioned in said deed, amounting to two hundred and two thousand dollars, belongs to the Seneca nation, and the said nation agrees that the said sum of money shall be paid to the United States, and the United States agree to receive the same, to be disposed of as follows: the sum of one hundred thousand dollars is to be invested by the President of the United States in safe stocks, for their use, the income of which is to be paid to them at their new homes, annually, and the balance, being the sum of one hundred and two thousand dollars, is to be paid to the owners of the improvements on the lands so deeded, according to an appraisement of said improvements, and a distribution and award of said sum of money, among the owners of said improvements, to be made by appraisers, hereafter to be appointed by the Seneca nation, in the presence of a United States commissioner, hereafter to be appointed, to be paid by the United States to the individuals who are entitled to the same, according to said appraisal and award, on their severally relinquishing their respective possessions to the said Ogden & Fellows.

Special provisions for the Cayugas.

Article 11. The United States will set apart for the Cayugas, on their removing to their new homes at the west, two thousand dollars, and will invest the same in some safe stocks, the income of which shall be paid them annually at their new homes. The United States further agree to pay to the said nation, on their removal west, two thousand five hundred dollars, to be disposed of as the chiefs shall deem just and equitable.

Special provisions for the Onondagas residing on the Seneca Reservations.

Article 12. The United States agree to set apart for the Onondagas, residing on the Seneca reservations, two thousand five hundred dollars, on their removing west, and to invest the same in safe stocks, the income of which shall be paid to them annually at their new homes. And the United States further agree to pay to the said Onondagas, on their removal to their new homes in the west, two thousand dollars, to be disposed of as the chiefs shall deem equitable and just.

Special provisions for the Oneidas residing in the State of New York.

Article 13. The United States will pay the sum of four thousand dollars, to be paid to Baptiste Powlis, and the chiefs of the first Christian party residing at Oneida; and the sum of two thousand dollars shall be paid to William Day, and the chiefs of the Orchard party residing there, for expenses incurred, and services rendered, in securing the Green Bay country and the settlement of a portion thereof; and they hereby agree to remove to their new homes, in the Indian territory, as soon as they can make satisfactory arrangements with the Governor of the State of New York for the purchase of their lands at Oneida.

Special provisions for the Tuscaroras.

Article 14. The Tuscarora nation agree to accept the country set apart for them, in the Indian territory, and to remove there within five years and continue to reside there. It is further agreed that the Tuscaroras shall have their lands, in the Indian country, at the forks of the Neosho river; which shall be so laid off as to secure a sufficient quantity of timber for the accommodation of the nation. But if, on examination, they are not satisfied with this location, they are to have their lands at such place as the President of the United States shall designate. The United States will pay to the Tuscarora nation, on their settling at the west, three thousand dollars, to be disposed of as the chiefs shall deem most equitable and just. Whereas, the said nation owns, in fee simple, five thousand acres of land, lying in Niagara county, in the State of New York, which was conveyed to the nation by Henry Dearborn, and they wish to sell and convey the same before they remove west: Now, therefore, in order to have the same done in a legal and proper way, they hereby convey the same to the United States, and to be held in trust for them; and they authorise the President to sell and convey the same; and the money which shall be received for the said lands, exclusive of the improvements, the President shall invest in safe stocks for their benefit, the income from which shall be paid to the nation, at their new homes, annually; and the money which shall be received for improvements on said lands shall be paid to the owners of the improvements, when the lands are sold. The President shall cause the said lands to be surveyed, and the improvements shall be appraised by such persons as the nation shall appoint; and said lands shall also be appraised and shall not be sold at a less price than the appraisal, without the consent of James Cusick, William Mountpleasant, and William Chew, or the survivor or survivors of them; and the expenses incurred

bythe United States in relation to this trust are to be deducted from the moneys received before investment.

And whereas, at the making of this treaty, Thomas L. Ogden and Joseph Fellows, the assignees of the State of Massachusetts, have purchased of the Tuscarora nation of Indians, in the presence and with the approbation of the commissioner, appointed on the part of the United States to hold said treaty or convention, all the right, title, interest, and claim of the Tuscarora nation to certain lands, by a deed of conveyance, a duplicate of which is hereunto annexed: And whereas, the consideration money for said lands has been secured to the said nation to their satisfaction, by Thomas L. Ogden and Joseph Fellows; therefore, the United States hereby assent to the said sale and conveyance, and sanction the same.

Article 15. The United States hereby agree that they will appropriate the sum of four hundred thousand dollars, to be applied from time to time, under the direction of the President of the United States, in such proportions as may be most for the interest of the said Indians, parties to this treaty, for the following purposes, to wit: To aid them in removing to their homes, and supporting themselves the first year after their removal; to encourage and assist them in education, and in being taught to cultivate their lands; in erecting mills and other necessary houses; in purchasing domestic animals and farming utensils, and acquiring a knowledge of the mechanic arts.

In testimony whereof, the commissioner and the chiefs, headmen, and people, whose names are hereto annexed, being duly authorised, have hereunto set their hands, and affixed their respective seals, at the time and place above mentioned.

R. H. GILLETT, [L. S.]
Commissioner.

Senecas.

Dao-nepho-gah, or Little Johnson,	his x mark	[l. s.]
Da-ga-o-geas, or Daniel Twoguns		[l. s.]
Gee-odowa-neh, or Captain Pollard,	his x mark	[l. s.]
Joh-nes-ha-dih, or James Stevenson,	his x mark	[l. s.]
Hure-hau-stock, or Captain Strong,	his x mark	[l. s.]
So-ne-a-ge, or Captain Snow,	his x mark	[l. s.]
Hau-neh-hoy's-oh, or Blue Eyes,	his x mark	[l. s.]
Haw-naw-wah-es, or Levi Halftown	his x mark	[l. s.]
Goat-hau-oh, or Billy Shanks,	his x mark	[l. s.]
Hau-sa-nea-nes, or White Seneca,	his x mark	[l. s.]
Howah-do-goh-deh, or George Bennet,	his x mark	[l. s.]
Hays-tah-jih, or Job Pierce,	his x mark	[l. s.]
Sho-nan-do-wah, or John Gordon,	his x mark	[l. s.]
Noh-sok-dah, or Jim Jonas,	his x mark	[l. s.]

Shaw-neh-dik, or William Johnson, his x mark [l. s.]
Gaw-neh-do-au-ok, or Reuben Pierce, his x mark [l. s.]
Shaw-go-nes-goh-sha-oh, or Morris Halftown, his x mark [l. s.]
Shaw-go-za-sot-hoh, or Jacob Jimeson, his x mark [l. s.]
Gua-wa-no-oh, or George Big Deer, his x mark [l. s.]
Joh.que-ya-suse, or Samuel Gordon, [l. s.]
Gua-ne-oh-doh, or Thompson S. Harris, [l. s.]
Gau-geh-queh-doh, or George Jimeson, his x mark [l. s.]
Hon-non-de-uh, or Nathaniel T. Strong, [l. s.]
Nuh-joh-gau-eh, or Tall Peter, his x mark [l. s.]
Sho-nauk-ga-nes, or Tommy Jimmy, his x mark [l. s.]
So-joh-gwa-us, or John Tall Chief, his x mark [l. s.]
Shau-gau-nes-es-tip, or George Fox, [l. s.]
Go-na-daw-goyh, or Jabez Stevenson, [l. s.]
Tit-ho-yuh, or William Jones, his x mark [l. s.]
Juneah-dah-glence, or George White, by his agent White Seneca, his x mark [l. s.]
Gau-nu-su-goh, or Walter Thompson, by his agent Daniel Twoguns, his x mark [l. s.]
Dau-ga-se, or Long John, his x mark [l. s.]
Gua-sa-we-dah, or John Bark. his x mark [l. s.]
Gau-ni-dough, or George Lindsay, [l. s.]
Ho-ma-ga-was, or Jacob Bennet, his x mark [l. s.]
On-di-heh-oh, or John Bennet, his x mark [l. s.]
Nis-ha-nea-nent, or Seneca White, his x mark [l. s.]
Ha-dya-no-doh, or Maris Pierce, [l. s.]
Yoh-dih-doh, or David White, [l. s.]
James Shongo, his x mark [l. s.]
Ka-non-da-gyh, or William Cass, his x mark [l. s.]
Ni-ge-jos-a, or Samuel Wilson, his x mark [l. s.]
Jo-on-da-goh, or John Seneca, his x mark [l. s.]

Tuscaroras.

Ka-nat-soyh, or Nicholas Cusick, [l. s.]
Sacharissa, or William Chew, [l. s.]
Kaw-we-ah-ka, or William Mt. Pleasant, his x mark [l. s.]
Kaw-re-a-rock-ka, or John Fox, [l. s.]
Gee-me, or James Cusick, [l. s.]
Ju-hu-we-at-kak, or John Patterson, his x mark [l. s.]
O-tah-quaw-naw-wa, or Samuel Jacobs, [l. s.]
Ka-noh-sa-ta, or James Anthony, his x mark [l. s.]
Gou-ro-quan, or Peter Elm, his x mark [l. s.]
Tu-nak-she-a-han, or Daniel Peter, his x mark [l. s.]

Oneidas residing in the State of New York, for themselves and their parties.

Baptiste Powlis, his x mark [l. s.]

Jonathan Jordon, his x mark [l. s.]

Oneidas at Green Bay.

John Anthony, his x mark [l. s.]
Honjoit Smith, his x mark [l. s.]
Henry Jordon, his x mark [l. s.]
Thomas King, his x mark [l. s.]

St. Regis.

Eleazer Williams, chief and agent, [l. s.]

Oneidas residing on the Seneca reservation.

Hon-no-g-nea-doh, or Silversmith, his x mark [l. s.]
(*For himself and in behalf of his nation.*)

Hoge-wayhtah, or William Jacket, his x mark [l. s.]
Sah-hu-gae-ne, or Button George, his x mark [l. s.]

Principal Onondaga warriors, in behalf of themselves and the Onondaga warriors.

Ka-noh-qua-sa, or William John, his x mark [l. s.]
Dah-gu-o-a-dah, or Noah Silversmith, his x mark [l. s.]

Cayugas.

Skok-no-eh, or William King, his x mark [l. s.]
Geh-da-or-loh, or James Young, [l. s.]
Gay-on-wek, or Jack Wheelbarrow, his x mark [l. s.]
D'yo-ya-tek, or Joseph Isaac, his x mark [l. s.]
For themselves and in behalf of the nation.

Principal Cayuga warriors, in behalf of themselves and the Cayuga warriors.

Hah-oh-u, or John Crow, his x mark [l. s.]
Ho-na-e-geh-dah, or Snow Darkness, his x mark [l. s.]
Gone-ah-ga-u-do, or Jacob G. Seneca, [l. s.]
Di-i-en-use, or Ghastly Darkness, his x mark [l. s.]
Hon-ho-gah-dyok, or Thomas Crow, his x mark [l. s.]
Wau-wah-wa-na-onk, or Peter Wilson, [l. s.]
So-en-dagh, or Jonathan White, his x mark [l. s.]
Sago-gan-e-on-gwus, or Harvey Rowe, his x mark [l. s.]
To-ga-ne-ah-doh, or David Crow, his x mark [l. s.]
Soh-win-dah-neh, or George Wheeler, [l. s.]
Do-goh-no-do-nis, or Simon Isaac, his x mark [l. s.]
He-dai-sos, or Joseph Peter, his x mark [l. s.]
Sa-go-di-get-ka, or Jacob Jackson, his x mark [l. s.]

Witnesses:
James Stryker, *Sub-agent, Six Nations, New York Indians.*

Nathaniel T. Strong, *United States Interpreter, New York agency.*

H. B. Potter,
Orlando Allen,
H. P. Wilcox,
Charles H. Allen,
Horatio Jones,
Spencer H. Cone,
W. W. Jones,
J. F. Schermerhorn,
Josiah Trowbridge,

SCHEDULE A.

CENSUS OF THE NEW YORK INDIANS AS TAKEN IN 1837.

Number residing on the Seneca reservations.

Senecas, - - - - - -	2,309
Onondagas - - - - - -	194
Cayugas - - - - - -	130
	2,633
Onondagas, at Onondaga - - - -	300
Tuscaroras - - - - -	273
St. Regis, in New York - - - -	350
Oneidas, at Green Bay - - - -	600
Oneidas, in New York - - -	620
Stockbridges - - - - -	217
Munsees - - - - - -	132
Brothertowns - - - - -	360

The above was made before the execution of the treaty.

R. H. GILLETT, *Commissioner.*

SCHEDULE B.

The following is the dispositions agreed to be made of the sum of three thousand dollars, provided in this treaty for the Tuscaroras, by the chiefs, and assented to by the Commissioner, and is to form a part of the treaty

To Jonathan Printup, ninety-three dollars.
To William Chew, one hundred and fifteen dollars.
To John Patterson, forty-six dollars.
To William Mount Pleasant, one hundred and seventy-one dollars.
To James Cusick, one hundred and twenty-five dollars.
To David Peter, fifty dollars.
The rest and residue thereof, is to be paid to the nation.
The above was agreed to before the execution of the treaty.

R. H. GILLETT, *Commissioner.*

SCHEDULE C.

Schedule applicable to the Onondagas and Cayugas, residing on the Seneca reservations. It is agreed that the following disposition shall be made of the amount set apart to be divided by the chiefs of those nations, in the preceding part of this treaty, anything therein to the contrary notwithstanding.

To William King, one thousand five hundred dollars.
To Joseph Isaacs, seven hundred dollars.
To Jack Wheelbarrow, three hundred dollars.
To Silversmith, one thousand dollars.
To William Jacket, five hundred dollars.
Button George, five hundred dollars.

The above was agreed to before the treaty was finally executed.

R. H. GILLETT, *Commissioner.*

[No. 5]

At a treaty held under the authority of the United States of America, at Buffalo Creek, in the county of Erie, and State of New York, between the chiefs and headmen of the Seneca nation of Indians, duly assembled in council, and representing and acting for the said nation, on the one part, and Thomas Ludlow Ogden of the city of New York, and Joseph Fellows, of Geneva, in the county of Ontario, on the other part, concerning the purchase of the right and claim of the said Indians in and to the lands within the State of New York, remaining in their occupation: Ransom H. Gillett, Esquire, a commissioner appointed by the President of the United States to attend and hold the said treaty, and also Josiah Trowbridge, Esquire, the superintendent on behalf of the Commonwealth of Massachusetts, being severally present at the said treaty, the said chiefs and headmen, on behalf of the Seneca nation did agree to sell and release to the said Thomas Ludlow Ogden and Joseph Fellows, and they the said Thomas Ludlow Ogden and Joseph Fellows did agree to purchase all the right, title, and claim of the said Seneca nation, of, in, and to the several tracts, pieces, or parcels of land mentioned and described in the instrument of writing next hereinafter set forth, and at the price or sum therein specified, as the consideration or purchase money for such sale and release; which instrument being read and explained to the said parties and virtually agreed to, was signed and sealed by the said contracting parties, and is in the words following:

This indenture, made this fifteenth day of January, in the year of our Lord one thousand eight hundred and thirty-eight, between

the chiefs and headmen of the Seneca nation of Indians, duly assembled in council, and acting for and on behalf of the said Seneca nation, of the first part, and Thomas Ludlow Ogden of the city of New York, and Joseph Fellows, of Geneva, in the county of Ontario, of the second part, witnesseth: That the said chiefs and headmen of the Seneca nation of Indians, in consideration of the sum of two hundred and two thousand dollars to them in hand paid, by the said Thomas Ludlow Ogden and Joseph Fellows, the receipt whereof is hereby acknowledged, have granted, bargained, sold, released and confirmed, and by these presents do grant, bargain, sell, release and confirm, unto the said Thomas Ludlow Ogden and Joseph Fellows, and to their heirs and assigns, all that certain tract or parcel of land, situate, lying, and being in the county of Erie, and State of New York, commonly called and known by the name of Buffalo Creek reservation, containing, by estimation, forty-nine thousand nine hundred and twenty acres, be the contents thereof more or less. Also, all that certain other tract or parcel of land, situate, lying, and being in the counties of Erie, Chatauque, and Cattaraugus, in said State, commonly called and known by the name of Cattaraugus reservation, containing, by estimation, twenty-one thousand six hundred and eighty acres, be the contents thereof more or less. Also, all that certain other tract or parcel of land, situate, lying, and being in the said county of Cattaraugus, in said State, commonly called and known by the name of the Alleghany reservation, containing, by estimation, thirty thousand four hundred and sixty-nine acres, be the contents more or less. And, also, all that certain other tract or parcel of land, situate, lying, and being partly in said county of Erie, and partly in the county of Genesee, in said State, commonly called and known by the name of the Tonewanda reservation, and containing, by estimation, twelve thousand eight hundred acres, be the same more or less; as the said several tracts of land have been heretofore reserved and are held and occupied by the said Seneca nation of Indians, or by individuals thereof, together with all and singular the rights, privileges, hereditaments, and appurtenances to each and every of the said tracts or parcels of land belonging or appertaining; and all the estate, right, title, interest, claim, and demand of the said party of the first part, and of the said Seneca nation of Indians, of, in, and to the same, and to each and every part and parcel thereof: to have and to hold, all and singular, the above described and released premises unto the said Thomas Ludlow Ogden and Joseph Fellows, their heirs and assigns, to their proper use and behoof for ever, as joint tenants, and not as tenants in common.

In witness whereof, the parties to these presents hereunto, and to three other instruments of the same tenor and date, one to remain with the United States one to remain with the State of Massachusetts, one to remain with the Seneca nation of Indians, and one to

remain with the said Thomas Ludlow Ogden and Joseph Fellows, interchangeably set their hands and seals the day and year first above written.

Little Johnson,	his x mark	[l. s.]
Daniel Two Guns,		[l. s.]
Captain Pollard,	his x mark	[l. s.]
James Stevenson,	his x mark	[l. s.]
Captain Strong,	his x mark	[l. s.]
Captain Snow,	his x mark	[l. s.]
Blue Eyes,	his x mark	[l. s.]
Levi Halftown,	his x mark	[l. s.]
Billy Shanks,	his x mark	[l. s.]
White Seneca,	his x mark	[l. s.]
George Bennet,	his x mark	[l. s.]
John Pierce,	his x mark	[l. s.]
John Gordon,	his x mark	[l. s.]
Jim Jonas,	his x mark	[l. s.]
William Johnson,	his x mark	[l. s.]
Reuben Pierce,	his x mark	[l. s.]
Morris Halftown,	his x mark	[l. s.]
Jacob Jimeson,	his x mark	[l. s.]
Samuel Gordon,		[l. s.]
Thompson S. Harris,		[l. s.]
George Jemison,,	his x mark	[l. s.]
Nathaniel T. Strong,		[l. s.]
Tall Peter,	his x mark	[l. s.]
Tommy Jimmy,	his x mark	[l. s.]
John Tall Chief,	his x mark	[l. s.]
George Fox,		[l. s.]
Jabez Stevenson,		[l. s.]
William Jones,	his x mark	[l. s.]
George White,	his x mark	[l. s.]
By his agent, White Seneca.		
John Snow,	his x mark	[l. s.]
Walter Thompson,	his x mark	[l. s.]
By his agent, Daniel Two Guns.		
Long John,	his x mark	[l. s.]
John Bark,	his x mark	[l. s.]
George Lindsay,	his x mark	[l. s.]
Jacob Bennet,	his x mark	[l. s.]
John Bennet,	his x mark	[l. s.]
Seneca White,	his x mark	[l. s.]
Maris B. Pierce,		[l. s.]
David White,		[l. s.]
James Shongo,	his x mark	[l. s.]
William Cass,	his x mark	[l. s.]
Samuel Wilson,	his x mark	[l. s.]
John Seneca,	his x mark	[l. s.]

Signed, sealed, and delivered, in presence of—
James Stryker,
Nathaniel T. Strong,
Spencer H. Cone,
H. B. Potter,
Charles H. Allen.
} *Interpreters.*

At the beforementioned treaty, held in my presence, as superintendent on the part of the Commonwealth of Massachusetts, and this day concluded, the foregoing instrument of writing was agreed to by the contracting parties therein named, and was, in my presence, executed by them, and being approved by me, I do hereby certify and declare such my approbation thereof.

Witness my hand and seal, at Buffalo Creek, this 15th day of January, in the year 1838.

JOSIAH TROWBRIDGE. [L. S.]

I have attended a treaty of the Seneca nation of Indians, held at Buffalo Creek, in the county of Erie, in the State of New York, on the fifteenth day of January, in the year of our Lord one thousand eight hundred and thirty-eight, when the within instrument was duly executed, in my presence, by the chiefs of the Seneca nation, being fairly and properly understood by them. I do therefore certify and approve the same. R. H. GILLETT, *Commissioner.*

At a treaty held under and by the authority of the United States of America, at Buffalo Creek, in the county of Erie, and State of New York, between the sachems, chiefs, and warriors of the Tuscarora nation of Indians, duly assembled in council, and representing and acting for the said nation, on the one part, and Thomas Ludlow Ogden, of the city of New York, and Joseph Fellows, of Geneva, in the county of Ontario, on the other part, concerning the purchase of the right and claim of the said nation of Indians, in and to the lands within the State of New York, remaining in their occupation: Ransom H. Gillett, Esq., a commissioner appointed by the President of the United States to attend and hold the said treaty, and also Josiah Trowbridge, Esq., the superintendent on behalf of the Commonwealth of Massachusetts, being severally present at the said treaty, the said sachems, chiefs, and warriors, on behalf of the said Tuscarora nation, did agree to sell and release to the said Thomas Ludlow Ogden and Joseph Fellows, and they, the said Thomas Ludlow Ogden and Joseph Fellows, did agree to purchase all the right, title, and claim of the said Tuscarora nation, of, in, and to the tract, piece, or parcel of land mentioned and described in the instrument of writing next hereinafter set forth, and at the price or sum therein specified, as the consideration or purchase money for such sale and release; which instrument being read and explained to the said parties, and mutually agreed to, was signed and sealed by the said contracting parties, and is in the words following:

This indenture, made this fifteenth day of January, in the year of our Lord one thousand eight hundred and thirty eight, between the sachems, chiefs, and warriors, of the Tuscarora nation of Indians, duly assembled in council, and acting for and on behalf of the said Tuscarora nation, of the first part, and Thomas Ludlow Ogden, of the city of New York, and Joseph Fellows, of Geneva, in the county of Ontario, of the second part, witnesseth: That the said sachems, chiefs, and warriors of the Tuscarora nation, in consideration of the sum of nine thousand six hundred dollars to them in hand paid by the said Thomas Ludlow Ogden and Joseph Fellows, the receipt whereof is hereby acknowledged, have granted, bargained, sold, released, and confirmed, and by these presents do grant, bargain, sell, release, and confirm to the said Thomas Ludlow Ogden and Joseph Fellows, and to their heirs and assigns, all that tract or parcel of land, situated and lying, and being in the county of Niagara, and State of New York, commonly called and known by the name of the Tuscarora reservation or Seneca grant, containing nineteen hundred and twenty acres, be the same more or less, being the lands in their occupancy, and not included in the lands conveyed to them by Henry Dearborn, together with all and singular the rights, privileges, hereditaments, and appurtenances, to the said tract or parcel of land belonging or appertaining, and all the estate, right, title, interest, claim, and demand of the said party of the first part, and of the said Tuscarora nation of Indians, of, in, and to the same, and to every part and parcel thereof. To have and to hold all and singular the above described and released premises unto the said Thomas Ludlow Ogden and Joseph Fellows, and their heirs and assigns, to their proper use and behoof for ever, as joint tenants, and not as tenants in common.

In witness whereof, the parties to these presents have hereunto, and to three other instruments of the same tenor and date, one to remain with the United States, one to remain with the State of Massachusetts, and one to remain with the Tuscarora nation of Indians, and one to remain with the said Thomas Ludlow Ogden and Joseph Fellows, interchangeably set their hands and seals the day and year first above written.

Nicholas Cusick,		[l. s.]
William Chew,		[l. s.]
William Mount Pleasant,		[l. s.]
John Fox,	his x mark	[l. s.]
James Cusick,		[l. s.]
John Patterson,	his x mark	[l. s.]
Samuel Jacobs,		[l. s.]
James Anthony,	his x mark	[l. s.]
Peter Elm,	his x mark	[l. s.]
Daniel Peter,	his x mark	[l. s.]

Sealed and delivered in presence of—
James Stryker,
R. H. Gillett,
Charles H. Allen,
J. F. Schermerhorn,
Nathaniel T. Strong, *U. S. Interpreter.*
H. B. Potter,
Orlando Allen.

At the above mentioned treaty, held in my presence, as superintendent on the part of the Commonwealth of Massachusetts, and this day concluded, the foregoing instrument was agreed to by the contracting parties therein named, and was, in my presence, executed by them; and being approved by me, I do hereby certify and declare such my approbation thereof.

Witness my hand and seal, at Buffalo Creek, this 15th day of January, in the year 1838.

J. TROWBRIDGE, [L. S.]
Superintendent.

I have attended a treaty of the Tuscarora nation of Indians, held at Buffalo Creek, in the country of Erie, in the state of New York, on the fifteenth day of January, in the year of our Lord one thousand eight hundred and thirty-eight, when the within instrument was duly excuted, in my presence, by the sachems, chiefs, and warriors of the said nation; being fairly and properly understood and transacted by all the parties of Indians concerned, and declared to be done to their full satisfaction; I do therefore certify and approve the same.

R. H. GILLETT, *Commissioner.*

[No. 6.]

GILLETT'S LETTER.

Buffalo, December 25, 1838.

Dear Sir—I have read with care and attention, the letter of Governor Everett to you, under date of the 30th ultimo. When you first placed it in my hands, as you were authorized by the terms of the letter itself, I had it in mind to give my views at length upon so much of it as relates to the manner in which I had been directed to perform a certain portion of my public duty in receiving the assent of the Senecas to their amended treaty. But inasmuch as a copy of that letter was to be transmitted to the President of the United States, it has occurred to me that I ought not to attempt to

give the reasons for the action of my superiors, who, if it is necessary, can perform that duty so much [better] than I can. An insufficient assignment of reasons might operate to prejudice the position which they have assumed. The Governor expresses his belief that the signatures of the chiefs ought to be given in council, and doubts whether those given in the mode specified in my instructions be constitutional. To this I will only say, that a [part] of the signatures to the original treaty were given, not in council, but at my lodgings, and that this fact was distinctly stated in a communication from me to the Indian Bureau, which was in print before that body when the treaty was ratified. If that had been then considered unconstitutional, of course the Senate would not have ratified the treaty at all. I know some prominent Senators expressed the opinion that it was of no consequence where the names were given. While the treaty was before the Senate, I was often informed by persons familiar with Indian business, that signatures had often [been] received in that manner. After the Senate had adopted the amendments to the treaty, I was advised that, in a case substantially analogous to the present, signatures had been received as proposed in my present instructions. A reference to the grammatical construction of the Senate's resolution, most clearly warrants the issuing of the instructions which I have received. The omission to couple the sentence so as to require the signatures to be taken in council, as well as the submission to be made them, negatives the idea that it is expected, or required, that the chiefs would sign in council. This view of the case is strengthened by the fact, that it was in print before the Senate, that many who were in favor of emigration had been restrained by fears and threats from signifying in council. This position is further fortified by the fact, that although the terms of the resolution required the treaty and amendments to be submitted in council, still it required the assent of the tribes or bands. If the relative pronoun "they," before the words "have given," relates to the word council, then the assent was sufficiently signed last autumn, and what has now been done is a work of supererogation; but if it does not refer to the word council, it must relate to the words "tribes or bands," and, consequently, their signatures are intended, and may be obtained without reference to any council.

The unconditional ratification, by the Governor and Council of Massachusetts, of the *contract of sale* of both the Senecas and Tuscaroras, when a considerable number of *both signed out of the council*, are precedents in point to prove that such signatures are not considered unconstitutional or unlawful. I will only add, that in the negotiation now in progress between the Government and the Senecas, the latter are strictly beneficiaries, receiving important advantages from the former, without any strictly legal consideration. Hence, unless required by the obvious meaning of the Se-

nate's resolution, there can be no sufficient reason for that rigid construction which was applicable to the contracts of sale ratified by Massachusetts, or which would be proper, even [were] the Government receiving, instead of conferring advantages. In conclusion, I beg leave to say, that I have not consulted the Commissioner of Indian Affairs concerning this matter, and have no authority from him to say any thing on the subject, and, subsequently, [consequently,] he is in no way responsible for what I have written, which I have done at your suggestion, though you made no suggestion as to what I should write. It follows that this is [a] private letter, but you are at liberty to communicate it to Governor Everett, to whom I must express my thanks for sending a representative here, who has at all times been so cheerful to impart, in relation to the negociation, that advice which his years and accumulated information rendered him so competent to give.

With sentiments of high esteem, I am most truly yours,

R. H. GILLETT.

Gen. H. A. S. Dearborn.

[No. 7.]

TWO LETTERS FROM CHIEFS.

Buffalo Reservation, March 2, 1838.

Sir—Your letter to Maris B. Pierce was received in due season, and he having meanwhile changed his views, and signed the treaty, (as he says, in consequence of regarding the case of his people as hopeless, by reason of the bribery and intimidation practised upon the chiefs, and because the only hope of being of any service to his nation seemed to lie in securing some new advantage in the treaty, which he had an opportunity to do by signing,) he made known your views to one of our number, still strong in opposition to the treaty. This man, conceiving that the only prospect of success was in following your suggestions, called a council of such chiefs as could be in a little time assembled, and who are regarded by all our party as having power to act in their behalf, and laid the matter before us; whereupon we resolved to forward you the enclosed statement of our affairs, with the earnest request that you would befriend us to the utmost of your ability, and, if possible, secure to us the possession of our rights. You will lay us under great obligations, and our people, also, by making such a use of these facts, either in the Senate or before the Committee on Indian Affairs, or with individuals in private, as in your judgment will best promote our interests. Many affidavits, substantiating these

statements, have already been forwarded to Mr. Clay, and others, with whom, should you find it necessary, we shall be happy to have you consult, in devising measures for our benefit. Many other facts may also be learned from our delegation, Messrs. Robinson, Blacksmith, Kennedy, and Jimeson, whom we shall desire to confer with you in respect to all their movements, and whom we now wish the privilege of commending to your kindness. They will stand in great need of advice and aid, for they have a weighty responsibility resting upon them, and they are unacquainted with the arts of political intrigue. Your kindness to them may save a distressed and down-trodden people from destruction. They will give you particular information why no more delegates have been sent from our party, and why these have been so long delayed.

May Almighty God aid you in every effort to rescue us from injustice and oppression; and may his rich blessing reward abundantly all your labors in the cause of human rights.

With very great respect, your obedient servants,

BIG KETTLE, x
WILLIAM KRONSE, x
JOHN KENNEDY, x

Hon. SAMUEL PRENTIS, M. C.
Washington, D. C.

Buffalo Creek Reservation, February 28, 1838.

SIR—The undersigned, chiefs of the Seneca nation of Indians, assembled on the Buffalo Creek reservation, desire to address you a few words in writing relative to our national business. We take the liberty, sir, of forwarding our communication to yourself, in consequence of having become acquainted with your name as a Senator in Congress, favorable to the cause of justice and humanity. We beg leave, therefore, to make you a full statement of our grievances, and to solicit your aid in obtaining the redress for which we seek.

We will now explain the origin and progress of our troubles. Three or four years since, in compliance with the solicitations of certain white persons, a delegation was sent by a few of our people to explore the country designated for the emigrant Indians beyond the Mississippi river. After their return, they reported the character of the country to a general council of our chiefs, and we decided, almost unanimously, not to accept the offers made us there. Nevertheless, about a year and a half since, the Reverend J. F. Schermerhorn came among us, stating that he was sent by the United States Government to renew their proposals to the Six Nations on the subject of emigration; and we again informed him, in open

council, that we were fixed in our determination to have nothing to do with that subject.

But, notwithstanding these assurances, he returned again last summer, and told us he was appointed commissioner from Government to transact business with the Senecas, and he had now come to take another delegation beyond the Mississippi. This statement he did not make in council, but privately, to individuals. As an instance of his proceeding, he sent Mr. Allen from Buffalo, with James Young, a Cayuga Indian, as interpreter, to induce Captain Cold, an Onondaga chief residing with us, to call on him at his private room in Buffalo. When there, he informed him that Government had changed their course, and had instructed him to select his delegation on his own responsibility, instead of allowing the Indians to choose them as heretofore: that, therefore, he had selected him for one, and had appointed James Young to be his interpreter. He then offered him fifty dollars for the use of his family during his absence, and fifty dollars pocket money, besides agreeing to clothe him in the style in which gentlemen dress among the whites, and to defray all the expenses of the journey; expressly charging him not to disclose any of these offers, or any of the conversation which passed between them. "Let it remain," said he, "with you two only, and let others find it out after we are gone. It will be time enough for them to know it then. Now, therefore, promise me that you will go with me." He moreover informed him that he designed to take one delegate from each of the Six Nations, except the Senecas, from which he would take two: but that he would choose them all himself, in the same manner as he had chosen him, without consulting the feelings of the people.

Captain Cold replied, "I cannot yet give my answer. I am a man of weight. I cannot move myself. I must leave it for the chiefs to move me as they please. I shall lay the matter before them."

Accordingly, on his return from the city, he related the whole conversation to the Seneca chiefs. We were alarmed, and sought to know if he had done the same with any of our chiefs; but none would make any disclosures. We then resolved to write Mr. Schermerhorn, and inform him that this is not our mode of doing business. We must ourselves select those who transact our business: and it would be utterly improper for him to make a private selection. We also told him that he was transgressing the law of nations: for nations uniformly transact business between each other publicly. Thus the United States have always done with us in times past. They have come in broad daylight, and have declared their business in open council. This new procedure seems to us strange and unaccountable.

Having finished our letter, we committed it to the care of our agent, Judge Stryker, to be delivered as soon as possible to Mr.

Schermerhorn. But the first we knew, we found his picked men on board a steamboat just ready to start for the west, and some of them were of the number of our chiefs.

This much we have thought proper to state of the commencement of our difficulties by means of Mr. Schermerhorn. We have cause to believe he pursued a similar course with each of the Six Nations. We wish to know, therefore, whether it proceeds from our father, the President, that this course, so directly in the face of our recent decision to reject the western country, should be taken with us.

We will take the liberty of stating our own conjectures as to the cause of it. We have three young men, one of whom has told us that he had had intercourse with the pre-emption company, before they went to the Secretary of War. Directly afterward they went to Mr. Schermerhorn in private. They were perfectly unauthorized by our chiefs. They went to him of their own accord. We will give their names. They are George Jimeson, Thompson S. Harris, and Nathaniel T. Strong. This they have done in violation of our established rules, that all communication with another nation shall be done in public by the consent of the whole. We believe them guilty of a great wrong in doing so. Still we are ignorant whether or not our great father, the President, has given them their instructions how they might proceed to bribe and draw over our chiefs. This, at least, there is no doubt of, that they have held intercourse with the pre-emption company; for as soon as the picked delegation had departed, efforts to bribe our chiefs were commenced in connexion with the company's agents. We will name the most active in such exertions. Of the white men, there were General Potter, Orlando Allen, our Indian agent Judge Stryker, and Dr. Wilcox; of our own people, there were George Jimeson, Samuel Gordon, and George Bennett. This was the course pursued. To some they offered to give three hundred dollars for their influence in favor of emigration: to others various sums, in some cases as high as five thousand; while to others, deeds of individual reservations of land were pledged after the people were removed. These operations were carried forward during all the while the exploring party were absent.

Furthermore, from the fact that Dr. Wilcox, Judge Stryker, and Mr. Allen, have been frequently passing to and from Washington, it seems evident that they have been holding consultations with the President, as well as with the company, for the accomplishment of their designs. Nevertheless, we have not sent them, and our chiefs are kept in utter ignorance of their business when they go there. We feel that it is not our fault that they expend so much money. Only we fear, and believe, that it is the object of that party to get the exclusive benefit of our money by such proceedings.

Mr. Schermerhorn told us that he had received an appointment

from Government to treat with us; but we find that there is also now a new commissioner, Mr. Gillett. We will therefore, now give an account of the transactions at the recent council.

It was appointed to commence on the 16th of December; but having been delayed, for various reasons, till the 21st, the new commissioner opened a general council of the Six nations at our council-house, with a speech, in which he told us he had been sent to transact business on the part of the Government, and that whatever he did should be done openly and without concealment, for he had not two tongues; that the current should always run the same way; that whatever he should perform should be done in the sight of all, as he had been instructed by our father the President; but he would explain, he said, how very kind were the offers which our father, the President, was about to make us. He then laid before us all the advantages of the western country, described the benefits we should derive from emigration, how long the President would assist us there, &c. We think we fully understood his propositions, but we beg leave to refer you to the treaty itself for the particulars.

Some of our chiefs have signed this treaty, but we do not allow their act, and shall pay no regard to it. We wish to state now the manner in which it was effected. Great efforts were made to obtain signatures by bribery and intimidation. Many were induced to sign for their own private benefit; others, by the representation that it was a hopeless case, and they might as well yield first as last. On account of these things, we have regarded this council as not properly and legally conducted, and have thought that the Government ought not to sanction its proceedings.

After the commissioner had delivered his message, we wished, according to our custom, to assemble and discuss it among ourselves alone; but he insisted on being present, and for a long time refused our request, and when, after many days, he consented, we were unable to agree in any thing.

The commissioner, together with Mr. Schermerhorn, Judge Stryker, (our agent,) General Potter, Mr. Allen, and others, the agents of the company, put up at a tavern about three-quarters of a mile from the council-house: liquor was sold at this tavern; and there all the chiefs who were in favor of emigration held their private councils. There, also, during the progress of the council, we ourselves saw some of their party, both chiefs and warriors, drunk. From that house, after having contrived their plans, have issued forth, continually, those whose business it was to bribe our chiefs and people. Their favorite time for doing this was in the night—especially if they wished to entice a chief of some influence and respectability. At the houses of such they would often call at the midnight hour, and endeavour to draw them to that tavern; and that, too, notwithstanding Big Kettle constantly remonstrated in the

council against such proceedings, and told the commissioner it was wrong for him to put up at such a place, where strong drink was allowed to be sold; that it was wrong, also, to allow of efforts to tempt and bribe the chiefs; that if such things were permitted, every one must regard his proceedings as unfair, unjust, and dishonorable; and that he would unavoidably bring reproach upon his commission, should he continue to allow of such things.

Mr. Gillett replied that he does not give them the liquor himself; and that, moreover, in all the treaties which he has ever read of, such things were universally practised in the presence of the commissioner. He said, also, he had read that, in all the ancient treaties, certain of the chiefs received pensions as a private compensation.

Big Kettle frequeatly objected, furthermore, in council, that he ought not to call in individual chiefs, and hold private consultations with them at his lodgings; but he maintained it was proper for them to come, in order that they might ask explanations and fully understand his intentions, which, Big Kettle thought ought to be done before the council; but he, notwithstanding, gave a general invitation, and urged every one to call on him.

We will mention, also, some of his remarks at other times. Once, during the council, one of us inquired: "What will our father, the President, do to us if we refuse to make this treaty?" His answer was: "He will punish you, as a father punishes his disobedient child, unless you do as he desires: he will turn your face where he wishes to have you go, before he stops punishing you." Then went on to threaten us that the laws of the State should be extended over us in punishment, and that the privileges which we now enjoy should be taken away from us; that we should lose our annuities, and lose our agent; and that these things should be given to the party which might consent to emigrate.

Some of the less firm in mind among our chiefs and people believed and were intimidated by these threats.

He said, also, that Congress were seeking to prevent any one from assisting us; and that if any white person should give us advice, or in any way help us to retain our land in opposition to the will of the Government, he should be punished with a fine of from one to two thousand dollars. Thus, it seemed, that we had no help left for us. Some of our chiefs were intimidated by this, also, and thought we might as well submit; for he told us that Congress had passed a law to this effect, and all the good people were agreed to it.

Many other things befell us which it would be tedious to mention. But we will notice this. During the progress of the negotiations, some of the friends of the treaty told us they had tried all in their power to induce the commissioner to make the treaty on the ground that an equitable division of our property might be

made between the two parties, and those who wish, be allowed to sell their part and go, and the rest be permitted to retain their possessions, and remain; but that he would, by no means, consent to such a compromise; that he said he had no liberty to do so, and that, if they were determined to insist on this, he would break up the council.

They said they afterward inquired of him if he would consent to the compromise, in case we would give up half our lands, which, as the emigration party are very small, would be very much more than their proportion. But they were told that even that could, by no means, be permitted. These things were not said in open council, but at the tavern where he put up.

Now, for ourselves, we think that such an arrangement would have borne very hard upon our party, although we think a reasonable compromise would have been fair and honorable for all parties, and we cannot tell through whose fault it could not be effected; whether it was against the will of the Government, or only against the wishes of the pre-emption company; or whether, after all, it was only contrary to the feelings of those chiefs who, by signing, were to receive their farms, or full pay for their improvements, or, as in some cases, a specified sum of money; inasmuch as those contracts, at least several of which we have seen, were on condition that a sale of all the land should be effected, and the treaty ratified by Congress, and so, of course, they would not receive their pay, unless the land should be all sold.

We have been thus particular, in order that the proceedings of the council might be fully understood by Congress, and also by our father, the President, who ought to be fully acquainted with the doings of those whom he sends to transact his business.

At length, Mr. Gillett proposed, in council, to lay the treaty on the table before us, and give an opportunity to all who wished to come forward and affix to it their signatures. We replied in open council, "We will not sell our lands; we are fully resolved on remaining where we are." We said, however, in relation to those who really wished to go, that we would interpose no objection. We would, moreover, allow them to take their share of the public property, and dispose of it as they please. We said, also, to the chiefs of the emigration party, that we were perfectly willing an equitable division should be made; that we thought this the only right course; for this would secure equal justice to all, and give mutual satisfaction.

After the council had been a month or more in session, the treaty was brought in and read to us, having been prepared by some one in private, and without our knowledge of its provisions. It was then laid upon the table for signatures.

Then it was learned that, notwithstanding our remonstrances, a full and final sale of all our lands on the Alleghany, Cattaraugus,

Buffalo, and Tonewonda reservations, was expressed in the treaty. We were surprised when we learned this; for, on two of these reservations, scarce a person is to be found who is in favor of emigration, and on all of them, the great mass are opposed to it. We replied, in council, that we were extremely dissatisfied, and determined not to sell all our land. We rebuked those chiefs who were willing, for thus attempting to sell the property of the nation, against the will of the other chiefs, and exhorted them, repeatedly, not to sign the treaty. Notwithstanding all, some of our brethren did come forward and affix their names. Sixteen of those who called themselves chiefs, did this in our sight, in open council.

When the commissioner told us that the treaty would be laid on the table from day to day for signatures, we also told him that we would have a remonstrance against it laid upon the table by its side, and give an opportunity for opposing signatures at the same time. He replied, we might do as we pleased, but he should pay no regard at all to it. Sixty-three then came forward and signed the remonstrance against the sale and treaty, who also regard themselves as chiefs. These all signed on the first day the treaty lay upon the table.

Then commenced a series of most vigorous exertions to obtain signatures, on the part of the white men and the Indians, who were in their interest. Some of their party (Mr. Allen, of Buffalo, and White Seneca) even went ten miles to find a man who was sick in the woods, and obtained a written permission of him to have his name affixed to the treaty. This they did privately, for the man had not attended council, nor ever heard the treaty. We have been told, and can furnish evidence of the fact, that they paid him five dollars for his name. They did not hesitate to start in the night and travel thirty miles to find the chief. They ran to and fro continually, and exerted all the influence in their power, by whatever, means.

All the additional names, after the sixteen above mentioned, were put on in private. We saw none of them put on, although the treaty lay upon the table, in the day time, from day to day.

One man, who had signed at the private room in the tavern, rose up in council, and told the commissioner he wished to take off his name from the treaty, for he had been over-persuaded to sign, and had been deceived in the contract for a bribe; and he brought the twenty-five dollars earnest money which he had received, and laid it upon the lap of General Potter, agent of the pre-emption company, and told him to do what he pleased with it, for he had imposed upon him in their private interview, &c.

This was done in the presence of the whole council.

As to their private operations of course we know but little, except as we have heard reports from one and another. We know not what or how many names they have obtained in private. We ac-

knowledge nothing that was not done in public, as in any respect the doings of the nation. We are not ashamed of the things which we do, or of those which we have told you. We are not ashamed to have them laid before the public, the Senate, or the delegation sent by the opposing party to Washington. They are things which are true, and capable of proof.

One thing more. There was a commissioner said to have been appointed on the part of the State of Massachusetts, Dr. Trowbridge, whose name it is said, appears on the treaty as a witness; but we none of us saw him sign his name, and it was not done in council. Neither did we know any of the witnesses to sign the treaty, nor have we any reason to believe that any witness did sign it in the council. We mention this, because heretofore all such signatures have been affixed in open council, and we consider it necessary to the validity of a treaty that they should be. The council-house, and not a tavern, is the place for making treaties.

Thus have we stated the various means adopted to obtain from us a treaty. We have been told that it was the President's will and that of Congress that we should go; that the unwilling would be driven off; that if we do not go, our father will punish us for our disobedience; that the Governor of this State is of the same mind, and they have read to us his message to prove it; that he will extend over us the laws of the State if we refuse; that our annuities and our agent should be taken away; and especially, that all our opposition will prove in vain; that they would not break up the council till they had finished a treaty; that if only a few, perhaps fifteen, (which is only about one-sixth of those who are regarded chiefs) should sign, it will ensure its ratification; and, therefore, it is a hopeless case, and we may as well yield first as last. And what fears, and what bribes were used in private, it is impossible for us to tell. We know that much of that sort was done in private from the disclosures of some of our brethren.

We will only add it was the real, true expression of our hearts, when we said in council that we would not accept the propositions made us. This is the only way we can find to promote our welfare, and in pursuing this policy we shall be always able to cherish right feelings towards our white brethren. We still feel willing those should go who wish. But let those who wish, remain also. We neither desire or expect any other course to be pursued. At first sight, it is obvious to every one that no man should be deprived of his rights by force. The members of the United States Congress are appointed for the special purpose of securing justice to all under their care. In the sight of God who looks upon us, *it cannot be wrong* for us to lay claim to our own rights, and we implore the protection of the Senate in so doing. We have already yielded much to the whites. We were the original possessors of this continent, but now we have only as it were little plats of ground; and these little pieces we do not like to dispose of. It is the duty and

privilege of mankind to judge for themselves what course is most for their benefit. If any wish to emigrate, let them exercise their own judgment and act accordingly. If any wish to remain, let them also do the same. If, then, the Senate cannot satisfy themselves, what will be an equitable arrangement between our two parties, it will be best to send another commissioner to ascertain precisely who are for emigration, and who opposed to it. But should such a delegate be sent, let him be a just man, who will show no partiality, and not like those commissioners and agents who have heretofore been wholly on one side. But if the question can be decided now, without the trouble of sending again, in a manner that shall secure the approbation of all parties, we will sanction the decision with entire satisfaction.

Big Kettle	x	George Kenjockety	x
James Robinson	x	John Bark	x
Blacksmith	x	John Gordon	x
Henry Two Guns	x	James Shongo	x
John Snow	x	Mark Charles	x
John Kennedy	x	Oliver Silverheels	x

Present at the writing, but absent from the signing, and marked by Oliver Silverheels, by their direction.

Israel Jimeson	x	John Dennis	x
John Snow	x	George Deer	x

Hon. Samuel Prentiss,
Senator in Congress, Washington.

[No. 8.]

MEMORIAL TO THE PRESIDENT.

To his Excellency Martin Van Buren, President of the United States:

The petition of the undersigned Indians of the Seneca nation, Humbly showeth:

Father: That your petitioners are a delegation from the Seneca Indians, residing at the Buffalo, Tonewonda, Cattaraugus, and Alleghany reservations, duly appointed by letters of attorney, (which are herewith submitted,) to represent to you, our great father, the unwillingness of our nation to part with the small portion of lands which yet remain in our possession in the State of New York.

Mr. Gillett, the commissioner of the United States, came to Buffalo last summer, and called a council; at which he laid before the nation the amendments proposed by the Senate of the United States to an instrument called a treaty, which had been signed by some of our chiefs a year ago, but to which the nation then was, and still continues to be, very much opposed.

Father: The chiefs assembled in council deliberated upon the proposals made by the commissioner, and determined not to adopt

them. After remaining several weeks in council, his threats and persuasion induced sixteen chiefs only to sign the instrument.

The chiefs who were opposed to the terms of the said instrument, prepared a remonstrance against it, and requested the commissioner to witness the signing of it, which he refused to do. It was signed, however, by upwards of sixty of our chiefs, and General Dearborn, the superintendent, who attended the council in behalf of the State of Massachusetts, also signed it as a witness.

Father: After the commissioner found that he could get no more signatures, he covered up the council fire, saying he should open it again before long, for the purpose of getting more signatures; but he has never since uncovered the council fire, though he has spent much time in Buffalo.

One of the amendments made by the Senate to the former instrument, declares "that this treaty shall have no force or effect whatever, as it relates to any of the said tribes, nations, or bands of New York Indians, nor shall it be understood that the Senate have assented to any of the contracts connected with it, until the same, with the amendments herein proposed, is submitted and fully and fairly explained by a commissioner of the Unted States, to each of the said tribes or bands, separately assembled in council, and they have given their free and voluntary assent thereto."

Father: That our people "have not given their free and voluntary assent thereto," we think is apparent from the fact, that of all the chiefs in our nation the commissioner could obtain the signatures of only sixteen in council; and whatever names he has since procured have been by unfair means, and not being done "in council," and, therefore, contrary to the above resolve of the Senate, as well as the long-settled custom of our nation, must be of no effect; especially in the face of the fact, that it was again and again declared to the commissioner, in council, that the nation would not consent to the treaty, or the amendments, but wished to remain where they are; and the commissioner held the council from day to day for weeks together, in order to induce our chiefs to alter their minds, but could not prevail with them to do so.

Father: The remonstrance of our nation, and the affidavits in support of the statements it contains, have been stolen from us since we left our homes to come to Washington, which places us before your Excellency in an awkward and painful situation. The accompanying affidavits will explain to you the manner in which we lost our papers; and as General Dearborn took a copy of our remonstrance, we beg your Excellency to delay your decision upon the treaty until we can have time to to procure a certified copy of it from him, and, also, to replace such of the other papers as can be supplied, and until we can have the opportunity of being heard respecting the improper and unfair manner in which the council was conducted, and the signatures to the treaty obtained.

Father: We earnestly entreat you to listen to our petition and grant our request; and not consign our nation, now a feeble and defenceless remnant, to the cupidity of men who covet our land, and are using every ingenious artifice to wrest it from us. It is to you, as our great father, that we look and implore your protection in the peaceable enjoyment of our homes and the graves of our fathers, secured to us by treaties heretofore solemnly made and ratified.

SENECA WHITE,
ISRAEL JEMISON, his x mark.
MARIS B. PIERCE,
JOHN KENNEDY, Jr.

WASHINGTON CITY, *January* 25, 1839.

[No. 9]

COMMUNICATIONS TO THE PRESIDENT.

BUFFALO CREEK RESERVATION, }
September 7, 1838. }

OUR GREAT FATHER:—The undersigned, sachems, chiefs, and residents of the Seneca nation of Indians, now convened in council of said nation, and in behalf of the chiefs of the said Seneca nation and ourselves: That, after a full and fair explanation of the treaty, with its amendments, has been given by Mr. Gillett, a formal and customary decision has been made in open council, and in the presence of the commissioners: That we, being *wholly* and *unitedly* opposed and unwilling to emigrate, take this method and this opportunity of expressing our determination to that effect.

In addition to this, we pray earnestly that the commissioner may be instructed from the Executive Department to close the sitting of the council; for our fields are now suffering, and our crops may be spoiled.

We are your friends and children,

Little Johnson,	his x mark.
Seneca White,	his x mark.
Henry Two Guns,	his x mark.
Blacksmith,	his x mark.
William Patterson,	his x mark.
Young Chief,	his x mark.
Jacob Blacksnake,	his x mark.
John Luke,	his x mark.
Blue Sky,	his x mark.
John Pierce,	his x mark.

Oliver Silverheels, his x mark.
William Jones, his x mark.
Daniel Two Guns,
Maris B. Pierce.

Done in the presence of—
ZACHARIAH L. JIMESON.

To MARTIN VAN BUREN, *President of the United States.*

BUFFALO, *January* 3, 1839.

SIR: We, the undersigned, chiefs of the Seneca nation of Indians, respectfully represent to your Excellency: That we are appointed, by those of our nation opposed to the treaty now under consideration, as a delegation, to proceed to Washington, for the purpose of opposing said treaty: That Mr. Gillett, the agent on the part of the Government, has already left this place for Washington, with the papers prepared on the part of those in favor of emigration: That one of our number of delegates is now absent, and that he has charge of all the papers prepared on the part of those who are opposed to emigration. We shall leave this place for Washington to-morrow, or the day after; and we humbly request your Excellency to suspend your opinion on the subject of the treaty until our arrival, and until we can be heard.

With the highest respect, we are your humble servants,

ISRAEL JEMISON, his x mark.
SENECA WHITE, his x mark.

To his Excellency MARTIN VAN BUREN.

Know all men by these presents, that *we*, the undersigned, chiefs and sachems of the Seneca nation of Indians, residing in the Tonewonda reservation in the State of New York, reposing special confidence in the integrity and ability of Israel Jemison, Seneca White, Maris B. Pierce, and John Kennedy, have made, constituted, and appointed, and, by these presents, do make, constitute, and appoint the said Israel Jemison, Seneca White, Maris B. Pierce, and John Kennedy, our true and lawful attorneys, that they, or any three of them, may for us, and in our names, and in our stead, appear before the President of the United States, the Senate of the United States, and the Judges of the Supreme Court of the United States, and all other executive, legislative, and judicial officers of the United States, for the purpose of opposing the ratification of the treaty now under consideration by the President of the United States, and for the purpose of effecting the removal of the *present Indian agent*, in whom we have no confidence; and also to do all things touching or connected with the aforesaid objects as fully and effectually as we ourselves might do, were we personally present: And we also *authorize* and *empower* any three of our abovenamed attorneys to sign for us, and in our names, any paper or papers

touching the objects set forth, with the same effect as if we ourselves were personally present signing the same.

In witness whereof, we have hereunto set our hands and seals, this 6th day of January, A. D. 1839.

Jemmy Johnson,	his x mark.	[l. s.]
Black Chief,	his x mark.	[l. s.]
Black Smith,	his x mark.	[l. s.]
Blue Sky,	his x mark.	[l. s.]
Jesse Spring,	his x mark.	[l. s.]
John Sky,	his x mark.	[l. s.]
John Luke,	his x mark.	[l. s.]
James Washington,	his x mark.	[l. s.]
John Bigfire,	his x mark.	[l. s.]
Jesse Tiffany,	his x mark.	[l. s.]
Samuel Parker,	his x mark.	[l. s.]
James Williams,	his x mark.	[l. s.]
Lewis Poodry,	his x mark.	[l. s.]
Jesse Tiffany,	his x mark.	[l. s.]

Signed and sealed in presence of—

George Kenjokety, his x mark.

Know all men by these presents, that we, the undersigned, chiefs and sachems of the Seneca nation of Indians, residing on the Alleghany reservation, in the State of New York, reposing special confidence in the integrity and ability of Israel Jemison, Seneca White, Maris B. Pierce, and John Kennedy, have made, constituted, and appointed, and by these presents do make, constitute, and, appoint, the said Israel Jemison, Seneca White, Maris B. Pierce and John Kennedy, our true and lawful attorneys, that they, or any three of them, may, for us and in our names and in our stead, appear before the President of the United States, the Senate of the United States, and the Judges of the Supreme Court of the United States, and all other executive, legislative, and judicial officers of the United States, for the purpose of opposing the ratification of the treaty, now under consideration by the President of the United States; and for the purpose of affecting the removal of the present Indian agent, in whom we have no confidence; and, also, to do all things, touching or connected with the aforesaid objects, as fully and effectually as we ourselves might do, were we personally present: and we also authorise and empower any three of our above-named attorneys to sign for us, and in our names, any paper or papers touching the objects above set forth, with the same effect as if we ourselves were personally present signing the same.

In witness whereof, we have hereunto set our hands and seals the 7th day of January, A. D. 1839.

Moses Pierce,	his x mark.	[l. s.]
Charles Obail,	his x mark.	[l. s.]
Governor Blacksnake,	his x mark.	[l. s.]
James Robinson,	his x mark.	[l. s.]
John Pierce,	his x mark.	[l. s.]
James Shongo,	his x mark.	[l. s.]
Sky Pierce,	his x mark.	[l. s.]
Tunis Halftown,	his x mark.	[l. s.]
William Patterson,	his x mark.	[l. s.]
Robert Watt,	his x mark.	[l. s.]

Witness to the ten signatures on this paper,
WILLIAM HALL.

Jacob Blacksnake,	his x mark.	[l. s.]
David Snow,	his x mark.	[l. s.]
George Kilbuck,	his x mark.	[l. s.]
Isaac Halftown,	his x mark.	[l. s.]

The four signatures above signed and sealed in the presence of
JOHN BOARDMAN.

Know all men by these presents, that we, the undersigned, chiefs and sachems of the Seneca nation of Indians, residing on the Cattaraugus reservation, in the State of New York, reposing special confidence in the integrity and ability of Israel Jemison, Seneca White, Maris B. Pierce, and John Kennedy, have made, constituted, and appointed, and by these presents do make, constitute, and appoint the said Israel Jemison, Seneca White, Maris B. Pierce, and John Kennedy, our true and lawful attorneys, that they, or any three of them, may, for us and in our names and in our stead, appear before the President of the United States, and the Judges of the Supreme Court of the United States, and the Senate of the United States, and all other executive, legislative, and judicial officers of the United States, for the purpose of opposing the ratification of the treaty now under consideration by the President of the United States; and for the purpose of effecting the removal of the present Indian agent, in whom we have no confidence; and also to do all things touching or connected with the aforesaid objects, as fully and effectually as we ourselves might do, were we personally present: and we also authorise and empower any three of our abovenamed attorneys to sign for us, and in our names, any paper or papers touching the objects above set forth,

with the same effect as if we ourselves were personally present signing the same.

In witness whereof, we have hereunto set our hands and seals, this 8th day of January, A. D. 1839.

Young Chief,	his x mark.	[l. s.]
Isaac Davis,	his x mark.	[l. s.]
John Dennis,	his x mark.	[l. s.]
John Cook,	his x mark.	[l. s.]
Oliver Silverheels,	his x mark.	[l. s.]
George Silverheels,	his x mark.	[l. s.]
George Deer,	his x mark.	[l. s.]
George Dennis,	his x mark.	[l. s.]

Signed and sealed in the presence of—

ASHER BLISS, *witness of the first five, and of three others also.*

Know all men by these presents, that *we*, the undersigned, chiefs and sachems of the Seneca nation of Indians, residing on the Buffalo Creek reservation, in the State of New York, reposing special confidence in the integrity and ability of Israel Jemison, Seneca White, Maris B. Pierce, and John Kennedy, have made, constituted, and appointed, and by these presents do make, constitute, and appoint the said Israel Jemison, Seneca White, Maris B. Pierce, and John Kennedy, our true and lawful attorneys, that they, or any three of them, may, for us and in our names and in our stead, appear before the President of the United States, the Senate of the United States, and the Judges of the Supreme Court of the United States, and all other executive, legislative, and judicial officers of the United States, for the purpose of opposing the ratification of the treaty now under consideration by the President of the United States; and for the purpose of effecting the removal of the present Indian agent, in whom we have no confidence; and also to do all things touching or connected with the aforesaid objects, as fully and effectually as we ourselves might do, were we personally present: and we also authorise and empower any three of our abovenamed attorneys to sign for us, and in our names, any paper or papers touching the objects above set forth, with the same effect as if we ourselves were personally present signing the same.

In witness whereof, we have hereunto set our hands and seals, this 14th day of January, A. D. 1839.

Big Kettle,	his x mark.	[l. s.]
Henry Two Guns,	his x mark.	[l. s.]

Mark Charles,	his x mark.	[l. s.]
William Krouse,	his x mark.	[l. s.]
George Kenjokety,	his x mark.	[l. s.]
David White,		[l. s.]
John Snow,	his x mark.	[l. s.]
Sky Carrier,	his x mark.	[l. s.]
John Bark,	his x mark.	[l. s.]
John Kennedy,	his x mark.	[l. s.]
John Tall Chief,	his x mark.	[l. s.]
William Jones,	his x mark.	[l. s.]
John Green Blanket,	his x mark.	[l. s.]

JANUARY 14, 1839. Signed and sealed in the presence of—
ASHER WRIGHT.

JANUARY 15, 1839. These three signatures and seals were affixed to this instrument, in my presence, this day.
ASHER WRIGHT.

Adam Doxtator,	his x mark.	[l. s.]
Jacob Bennett,	his x mark.	[l. s.]
John Hudson,	his x mark.	[l. s.]

JANUARY 15, 1839. These three signatures and seals were affixed, in my presence, this day, by Jacob Bennett, acting as their attorney.
ASHER WRIGHT.

Jack Berry,	his x mark.	[l. s.]
Joe Hemlock,	his x mark.	[l. s.]
John General,	his x mark.	[l. s.]

JANUARY 15, 1839. This signature and seal were affixed, in my presence, this day.
ASHER WRIGHT.

George Lindsey, [l. s.]

JANUARY 15, 1839. This signature and seal were also affixed to this instrument, in my presence, this day.
ASHER WRIGHT.

Daniel Two Guns, [l. s.]

STATE OF NEW YORK, } *ss.*
County of Erie. }

John Kennedy, one of the Seneca nation, residing on the Buffalo Creek reservation, in the county of Erie and State of New York, being duly sworn, doth depose and say, that, on or about

the first of March last, at a council of the chiefs and sachems of the Seneca nation who are opposed to the ratification of the treaty for the purchase of the lands of the nation lying in the said State of New York, and the removal of the nation to lands beyond the Mississippi, this deponent was appointed the agent of that part of the nation opposed to said treaty, with power and instructions to take such measures for opposing the said treaty as should be deemed advisable by this deponent, and should have the sanction of the said chiefs and sachems; and particularly to carry into effect the plans already agreed upon for that purpose; that as such agent, this deponent, with the consent of said chiefs and sachems, retained and employed Mr. Charles R. Gold, of the city of Buffalo, attorney at law, to act as the attorney and counsel of this deponent and the said chiefs and sachems in preparing and maturing their measures of opposition to the treaty; that Mr. Gold, as such attorney and counsel, attended the councils of the nation which were held during the past summer for considering the treaty; that he drew up various remonstrances against the ratification of the treaty, which were signed by sixty-eight of the chiefs and sachems of the nation and by those of the warriors opposed to the treaty, both those residing on the Buffalo Creek reservation, and those who reside on the Alleghany, Cattaraugus, and Tonewonda reservations, respectively, (being a large majority of the nation; that Mr. Gold also drew up several affidavits made by chiefs of the nation, for the purpose of exposing the means and appliances which had been made use of to obtain their signatures to the treaty; that among others was the affidavit of John Snow, one of the chiefs, showing the fact that one hundred dollars in cash had been paid to him by General Potter, the agent of the Ogden company, in consideration of his signing the treaty, all of which remonstrances and affidavits, together with many other documents relating to the treaty, were delivered to Mr. Gold for safekeeping and preservation until called for; and also the identical one hundred dollars (in bank bills) which General Potter had paid John Snow as aforesaid, which were delivered by Snow with the affidavit as collateral evidence of its truth. And this deponent further says, that among other documents so placed in the hands of Mr. Gold during the summer past, was a remonstrance against the ratification of the treaty, signed by several prominent citizens of Buffalo, and by General Dearborn, the commissioner appointed on the part of the State of Massachusetts to protect the interests of that State as connected with the proposed removal of the Seneca nation. And this deponent further saith, that in the month of December last, this deponent, as the agent of the aforesaid chiefs and sachems of the Seneca nation, paid to the said Charles R. Gold the sum of one thousand dollars in bills of the Bank of Buffalo, for services already rendered and hereafter to be rendered by him in opposing the said treaty. And this deponent

further says, that by a power of attorney duly made and executed by those of the chiefs and sachems of the Seneca nation who are opposed to the said treaty, was placed in the hands of the said Charles R. Gold, to be used as circumstances should require; by which the said Gold, Israel Jemison, Maris B. Pierce, Seneca White, and this deponent, were authorized, empowered, and delegated as the representatives of the said chiefs and sachems, and of the warriors of the nation opposed to the treaty, to proceed to Washington, and appear before the President of the United States, the Senate of the United States, and all other officers of the General Government, for the purpose of spreading before them the facts in relation to the procurement of the signatures to the treaty, making known the dissatisfaction felt by the great majority of the nation with the whole scheme of removal, and particularly as contemplated by the terms of the treaty, and for taking all proper and lawful measures to prevent its ratification; that on the 3d day of January, 1839, the said Israel Jemison, Maris B. Pierce, and Seneca White, set out for Washington as such representatives; that the said Gold was at that time absent on a visit to Geneseo, in the county of Livingston, and the residence of James Wadsworth, Esquire, (one of the Ogden company, as this deponent is informed and believes;) that this deponent remained behind to await the return of the said Gold, to receive from him the documents and papers in relation to the treaty and which were to be used in opposing its ratification, (which were to be placed in this deponent's hands at the request of the chiefs and sachems of that part of the delegation who had already departed for Washington;) that, after the departure of Jemison, Pierce, and White, by the direction and appointment of the said chiefs and sachems, Daniel Two Guns, a chief of the nation, was added to the delegation; that on his return, Mr. Gold, in compliance with the wishes of the chiefs and sachems, and of the remainder of the delegation, promised to deliver the aforesaid documents and papers, relating to the treaty to this deponent, to be under the care and control of this deponent and the said Daniel Two Guns until after the delegation should all meet at Washington; that on the evening of the 8th day of January instant, Mr. Gold delivered to this deponent, in the presence of the said Daniel Two Guns, at the office of said Gold, in the city of Buffalo, a carpet bag which appeared to contain papers, and informed us that in that bag were contained the papers and documents mentioned above, and the money delivered with the affidavit of John Snow, as mentioned above, but refused to deliver the key of the bag, (which was locked,) and insisted on retaining that himself; that the said Daniel Two Guns and this deponent went to the Eagle tavern in said city for the purpose of taking seats in the stage to leave the next morning for the east, leaving the carpet-bag containing the papers at the office of said Gold; that

after taking seats in the stage, the said Daniel Two Guns and this deponent returned to the said Gold's office, received a carpet-bag, which we supposed the same one previously delivered us, and took it to our lodgings at the Mansion-house in said city; that the next morning the said Gold, Daniel Two Guns, and this deponent started for Washington, we having still in our possession the carpet-bag supposed by us to contain our papers; that when arrived at the village of Geneseo aforesaid, it became necessary for us to remain at that place for several hours; that while there Mr. Gold went out for a short time and returned in company with James Wadsworth, Esquire, (who is mentioned above,) who called us out upon the piazza in front of the hotel at which we stopped, and endeavored to persuade us to return home and abandon our opposition to the treaty, and offered to pay us such a sum as would perfectly satisfy us for so doing; that Mr. Gold stood by and heard the proposition without saying a word for or against the proposition; that neither of us made any reply whatever to Mr. Wadsworth, but left him with Mr. Gold upon the piazza and returned into the house; that shortly after Mr. Gold came in and asked for the carpet-bag which contained the papers, saying that he wished to change his vest and had one in that bag which he wished to put on; that this deponent delivered him the bag, and the said Gold taking a small key from his pocket attempted to unlock it, and not succeeding, in consequence of the key not fitting the lock, he exclaimed, "What have you done with the bag? you have got the wrong bag! you have changed it on the road! you have lost the bag with the papers in it." He then forced open the bag and found nothing in it except some old clothes wrapped up in newspapers. He then inquired where we slept the night before we left Buffalo, and being told that we slept at the Mansion-house, he inquired what part of the house, and if we saw Dr. Wilcox there that evening. We described the part of the house in which we slept, and told him we saw Dr. Wilcox in the bar-room late in the evening. He then said Dr. Wilcox got into your room in the night and took the bag containing the papers and left this one in its place. We replied that such could not be the fact, as we locked the door of the room on the inside on going to bed, and left the key in the door, and that in the morning we found every thing undisturbed and the door locked and the key in the door in the same manner as we left it the evening previous. Mr. Gold however still persisted that Mr. Wilcox must have taken the carpet-bag containing the papers. Mr. Gold then endeavored to convince us that we had better go on to Washington without the papers, and that we could get along without them, and offered to return himself and try to find them. But we refused to proceed without the papers, and declared our intention to return and get the papers made out anew. Mr. Gold then said he would wait for us until the next day at four o'clock, and if we did not return by that

time he should go on to Washington, whereupon we left him and returned home.

And this deponent further says, that he has no knowledge of what has become of the said papers, or where they are, but this deponent believes that the said Gold has the said papers, or knows where they are, (unless they have been destroyed by him,) and that they were not in the carpet-bag delivered to this deponent by said Gold. And further this deponent saith not.

JOHN KENNEDY.

Sworn and subscribed before me, this 14th day of January, A. D. 1839.

JAMES SMITH,
Commissioner of Deeds, &c., for Erie County.

STATE OF NEW YORK, } *ss.*
County of Erie, }

Daniel Two Guns, being duly sworn, deposes and says, that the foregoing affidavit of John Kennedy has been translated and read to this deponent in the Seneca language, and that the facts stated therein to have taken place in the presence of this deponent, did so take place as therein stated; that the conversation therein alleged to have been had in this deponent's presence was so had; and the said affidavit so far as the same speaks of what was said or done in relation to and in the presence of this deponent, is true of this deponent's own knowledge, and as to the remainder of said affidavit this deponent verily believes it to be correct and true.

DANIEL TWO GUNS.

Sworn and subscribed before me, this 14th day of January, A. D. 1839, after the deponent, Daniel Two Guns, had heard this and the preceding affidavit translated and read to him in the Seneca language, by John Kennedy, an interpreter, by me for that purpose duly sworn.

JAMES SMITH,
Commissioner of Deeds, &c., for Erie County.

WAR DEPARTMENT, *January* 30, 1839.

SIR: By direction of the President of the United States, I have the honor to lay before the Committee on Indian Affairs the accompanying communications of his Excellency the Governor of Massachusetts, together with the papers alluded to therein, relating to the emigration of the Seneca tribe of Indians.

Very respectfully, your most obedient servant,

J. R. POINSETT.

Hon. JOHN TIPTON,
Chairman Committee on Indian Affairs, Senate.

COMMONWEALTH OF MASSACAUSTTS.

EXECUTIVE DEPARTMENT, *January* 24, 1839.

SIR: I have the honor to transmit to you a copy of a paper signed by the chiefs and residents of the Seneca tribe of Indians opposed to emigration, and authenticated by the superintendent on behalf of Massachusetts.

I have the honor to be, with great respect, your obedient servant,

EDWARD EVERETT.

His Excellency MARTIN VAN BUREN,

President of the United States.

We, the undersigned, chiefs and residents of the Seneca nation of Indians, being opposed to selling our lands, and also being wholly and unitedly opposed and unwilling to emigrate, take this method and this opportunity, in council assembled, of expressing our determination to that effect, by affixing our proper signatures to this paper.

Big Kettle,	x	Sky Carrier,	x
Little Johnson,	x	John General,	x
Seneca White,	x	Jemmy Johnson,	x
Daniel Two Guns,	x	Sky Pierce,	x
George Lindsey,	x	George Killbuck,	x
John Duke, (Sachem,)	x	Black Smith,	x
James Hudson,	x	Joel Hemlock,	x
Mark Charles,	x	John Dennis,	x
Henry Two Guns,	x	George Dennis,	x
Governor Blacksnake,	x	David Snow,	x
John Pierce,	x	George Deer,	x
James Robinson,	x	William Cass,	x
William Patterson,	x	Isaac Halftown,	x
Tunis Halftown,	x	Blue Sky,	x
Israel Jemison,	x	Jonny John,	x
Charles O'Beal,	x	John Sky,	x
Robert Watt,	x	George Washington,	x
Major Jack Berry,	x	James Williams,	x
Jacob Bennett,	x	Stiff Kee,	x
Jacob Blacksnake,	x	Jesse Spring,	x
John Snow,	x	John Tall Chief,	x
William Jones,	x	Jack Johnny John,	x
Samuel Wilson,	x	Davis Poodry,	x
Long John,	x	William Krouse,	x
John Kennedy,	x	John Green Blanket,	x
Doxtator,	x	By his agent, Little Johnson.	
George Skenjackety,	x	Black Chief,	x
John Barks,	x	By his agent, Blue Sky.	
James Shongo,	x	Samuel Parker,	x
John Cook,	x	By his agent, Jesse Spring.	

George Silverheels,	x	David White,	x
Young Chief,	x	By his father and agent,	
Joseph Snow,	x	Seneca White,	x
Oliver Silverheels,	x	Maris B. Pierce.	

Witness:
H. A. S. DEARBORN,
Superintendent of Massachusetts.

Dated this 28th of September, 1838.

We certify that the above signatures were made in our presence, the day of the date above.

C. R. GOULD,
WM. R. DANA,
JOSEPH BATTEY,
EDWARD PAINE,
LAFAYETTE CARVEN,
SETH C. HEACOCK,

I hereby certify, that the above is a correct copy of the original document, executed in council, September 28, 1838.

A true copy:

H. A. S. DEARBORN,
Superintendent of Massachusetts.

COMMONWEALTH OF MASSACHUSETTS.

EXECUTIVE DEPARTMENT, *January* 22, 1839.

SIR: I have received a communication from the Secretary of War, of the 4th instant, on the subject of the letter of the 30th of November, which I had the honor to address you, relative to the negotiation with the Seneca Indians, in the State of New York. The letter of the Secretary is accompanied by a report of the Commissioner of Indian Affairs, of the 2d instant, explaining "the different steps which have been pursued by the Government in this matter."

The letter of the Secretary, with the report of the Commissioner of Indian Affairs, and the documents accompanying it, having been referred by me to General H. A. S. Dearborn, who was present at the negotiation of the amended treaty as superintendent on the part of Massachusetts, I have the honor to enclose you a copy of his report thereon. It appears from this report that the contents of the letter of the Commissioner of Indian Affairs, of the 12th of November, to General Gillett, authorizing him to hold an adjourned meeting of the Indian Council if desired by General Dearborn, were never communicated to General Dearborn.

The commissioner remarks on my suggestion that it was, perhaps, an unconstitutional course to endeavor to obtain the assent of the Indians individually to the amended treaty, and not in open council; that he is "not aware of any injunction of the Constitution

that would be violated by pursuing one course or the other." The treaty-making power is granted by the Constitution in general terms. No modifications of its exercise in reference to Indian tribes are recognised. As it would certainly be unconstitutional for the President of the United States to attempt to treat with the individual members of any foreign State or Government, (not duly authorized to represent the entire body,) or to attempt to obtain the ratification of a treaty by means of the assent of individuals of the Senate not duly assembled and acting as such, I remain of opinion that the constitutionality of attempting to obtain the assent of individual Indian chiefs to the amended treaty, in the manner in question, is doubtful.

I have the honor to be, with great respect, your obedient servant,

EDWARD EVERETT.

His Excellency MARTIN VAN BUREN,
President of the United States.

[No 10.]

MEMORIALS, REMONSTRANCES, CENSUSES, &c.

To the honorable the Senate of the United States of America:

We, the undersigned delegation of the Seneca tribe of Indians in the State of New York,

MOST RESPECTFULLY REPRESENT:

That a document purporting to be a treaty, made and entered into between the United States and the Seneca tribe of Indians, has been presented to your honorable body for ratification, and that we, upon the part of the Seneca nation, do with the greatest respect oppose said ratification, and enter our solemn protest against the same, for the following reasons:

We state that no treaty made with a *minority* of the chiefs of the Seneca nation is a treaty with that nation: That according to our laws and usages, which have heretofore always been respected and acknowledged by the United States, the Seneca nation is governed by the acts and councils of a *majority* of her *chiefs;* and to make a good and valid treaty, it requires the sanction of a majority of the chiefs belonging to the nation, and that such *majority* was not obtained or given to the treaty now before your honorable body; but, on the contrary, the pretended treaty is the act of a minority, and consequently not the treaty with the Seneca nation, nor is that nation bound by it.

The ratification of that treaty, and the removal of the Senecas under it from the lands and homes of their forefathers, would be an arbitrary act upon the part of the United States, in violation of every principle of justice and humanity, and an act which your

memorialists do not believe your dignified and enlightened body will approve. If the United States should ratify this pretended treaty, the treaty-making power with the Indians is but a sham for appearance alone, for the present treaty would be equally good and binding had it been made by *one* chief only. Why were the Senecas invited and called upon to treat with the United States, if that treaty was to be mere form and of no substance? Why was the *nation* of Senecas required to speak in their council, if the voice of the nation is to yield to that of a small minority composing it? Why was the consent of that nation asked, if the United States will, in opposition to the wishes of its people, expressed through a *majority* of its chiefs, force upon them a treaty they have never made nor sanctioned?

Your memorialists state that they are specially charged to state to your honorable body, that the nation of the Senecas is composed of *ninety-two chiefs* in all, and that no treaty is the act of that nation, unless *forty-seven* of the chiefs are in favor of it: That the pretended treaty, against the ratification of which, as the *act* of the Seneca nation, your memorialists do protest, received only the approbation of *twenty-six* chiefs, who declared themselves unqualifiedly in favor of emigration to the West, and of TEN other chiefs, who were neutral, and would be satisfied with either course; and that allowing the votes of these *neutrals*, your memorialists show that there were only *thirty-six* chiefs in favor of the treaty, while the number of *fifty-six* were opposed to it, unqualifiedly and decidedly.

To support and maintain this statement, your memorialists annex, as a part of this memorial, a *statement*, giving the *names* of *each* chief of the Seneca nation, of the different *reservations* to which he belongs, and showing the *name* of each chief *for* and *against* said treaty.

For the above reasons, as well as for many others, which your memorialists will point out to the committee to which said treaty is referred, if they be permitted to appear before it, as well as for reasons apparent in the PAPER itself, your memorialists do, in the *name of the Seneca nation of Indians* aforesaid, respectfully protest against said pretended treaty, and declare the same not to be the ac of the said nation, a large majority of which are opposed to the same, and are here represented by your memorialists, who, in th most respectful, but, at the same time, in the most decided and so mn manner, enter this protest, and object to the terms and conditions of said pretended treaty.

Your memorialists further refer to exhibits A, B, and C, being protests of the warriors of the Seneca nation, as a part of this memorial: also to exhibit D, which is a written history of the proceedings connected with said treaty, all of which will show that said treaty ought never to receive the sanction of your patriotic and enlightened body.

Your memorialists also respectfully ask that they may be permitted in person to appear before the committee of your honorable body, in discharge of the duties imposed upon them, and better to represent the interests of their nation.

ISRAEL JEMISON, his x mark.
SENECA WHITE,
MARIS B. PIERCE,
JOHN KENNEDY, Jr.

Washington City, February 7, 1839.

THE STATEMENT SHOWING THE NAMES OF EACH CHIEF, ETC.

The Seneca nation is divided into the following *reservations*, to wit: *Buffalo*, *Tonewonda*, *Cattaraugus*, and *Alleghany*.

Names of the Chiefs opposed to the treaty and to emigration.

Buffalo Chiefs.

1. Big Kettle.
2. Seneca White.
3. Henry Two Guns.
4. William Krouse.
5. William Jones.
6. Jacob Bennet.
7. Maris B. Pierce.
8. Daniel Two Guns.
9. Mark Charles.
10. John Kennedy.
11. George Lindsey.
12. John Green Blanket.
13. David White.
14. John Hudson.
15. Joe Hemlock.
16. Adam Doxtator.
17. George Kenjokety.
18. Johnny John.
19. Jack Johnny John.

Tonewonda Chiefs.

1. Jemmy Johnson.
2. Blue Sky.
3. Black Chief.
4. Black Smith.
5. John Luke.
6. John Sky.
7. Jesse Spring.
8. John Bigfire.
9. Samuel Parker.
10. Lewis Poodry.
11. Jim Williams.
12. Tiffany.
13. James Washington.

Cattaraugus Chiefs.

1. Israel Jemison.
2. Young Chief.
3. John Cook.
4. Joseph Snow.
5. Geo. Dennis.
6. Isaac Davis.
7. George Deer.
8. John Dennis.
9. George Silverheels.
10. Oliver Silverheels.

Alleghany Chiefs.

1. James Robinson.
2. Governor Blacksnake.
3. John Pierce.
4. Jacob Blacksnake.
5. Tunis Halftown.
6. William Patterson.
7. Charles Obail.
8. Robert Watt.
9. Sky Pierce.
10. Moses Pierce.
11. James Shongo.
12. George Killbuck.
13. David Snow.
14. Isaac Halftown.

Names of the Chiefs in favor of the treaty and of emigration.

Buffalo Chiefs.

1. Pollard.
2. James Stevenson.
3. White Seneca.
4. Job Pierce.
5. Geo. Jemeson.
6. Tall Peter.
7. John Seneca.
8. Jabez Stevenson.
9. George Fox.
10. Thomas Jemeson.
11. T. S. Harris.
12. Jim Jonas.
13. John Bennet.
14. Tommy Jimmy.

Tonewonda Chiefs.

None.

Cattaraugus Chiefs.

1. Capt. Strong.
2. Blue Eyes.
3. Geo. Bennet.
4. Big Deer.
5. Samuel Gordon.
6. Morris Halftown.
7. Billy Shanks.
8. William Johnson.
9. Levi Halftown.
10. N. T. Strong.
11. Walter Thompson.

Alleghany Chiefs.

1. Jacob Jemison.

Names of the Chiefs who signed both in favor and against, and who are neutral.

Buffalo Chiefs.

1. Little Johnson.
2. Samuel Wilson.
3. William Cass.
4. John Snow.
5. Sky Carrier.
6. John General.
7. Major Jack Berry.
8. John Tall Chief.
9. John Bark.

Tonewonda Chiefs.

None.

Cattaraugus Chiefs.

None.

Alleghany Chiefs.

1. Long John.

RECAPITULATION.

Buffalo chiefs	19	Buffalo	14	Buffalo	9
Tonewonda	13	Tonewonda	00	Tonewonda	0
Cattaraugus	10	Cattaraugus	11	Cattaraugus	0
Alleghany	14	Alleghany	1	Alleghany	1
Opposed to treaty	56	In favor of treaty	26	Signed both ways	10

56 chiefs decidedly opposed to emigration.
26 chiefs decidedly in favor of emigration.
10 chiefs who, being neutral, have signed
— in favor of both.

Total number of chiefs 92

A clear majority of chiefs of 20, allowing the neutrals to go with those in favor of the pretended treaty.

Counting the neutrals for neither party, leaves a *majority* of 30 opposed, a number greater than the minority who are in favor of the treaty.

A.

We, the undersigned, warriors and residents of the Tonewonda reservation of Indians, in the State of New York, most respectfully beg leave to *protest* and *remonstrate* against the sale and disposition of our land to those who claim to have the pre-emptive right to purchase the same, or to any other individual, or individuals, or the Government; as it is and ever has been our deliberate resolve, not to accept of the country offered to us by the Government, neither to part with the lands now in our possession and under control of the chiefs as our representatives.

Dated this 15th day of September, A. D. 1838.

George Moses	x	John Farmer	x
John Bigfire	x	Isaac Doctor	x
Dennis Sky	x	William Parker	x
John Bigbag	x	John Shanks	x
William Taylor	x	David Printup	x
John Cooper	x	John Fish	x
Amos George	x	Robert Fish	x
Abram George	x	Tommy Black	x
James George	x	Sherwood Black	x
John Hiram	x	John Miller	x
Daniel Carpenter	x	John Irvin	x
James Bigbag	x	Chauncy Abram	x
John Luke, jr.	x	George Powder Horn	x
John Griffin	x	George Washington	x

John Blackchief	x	George Clantor	x
John Maki	x	Thomas Clantor	x
Isaac Shanks	x	Samuel Clantor	x
James Rollin	x	Jabez Clantor	x
Anthony Jones	x	William Jones	x
Peter Taylor	x	Jesse Moses	x
Thomas Evans	x	William Hatch	x
Isaac Doxtator	x	William Johnson	x
Simmons Spring	x	William James	x
Tommy Hiram	x	David Brooks	x
George Fish	x	John Martin	x
Henry Moses	x	John Jones	x
Woods Moses	x	Billy Stewart	x
John Bigfire	x	Kilisy Tiffany	x
Esquire Brooks	x	Hirald	x
Jemmy Brooks	x	John William	x
Elon Sky	x	John Abram	x
George Sky	x	William Clute	x
Henry Johnson	x	Thompson Coody	x
Ely Johnson	x	William Snider	x
David William	x	Henry Ground	x
Levi Barker	x	Henry Jackson	x
Jabez Ground	x	Aitch Ground	x
William Cananta	x	Tommy Hall	x
Small Peter	x	John Cone	x
Henry Jemison	x	Daniel Peter	x
Barber Jemison	x	Black Chief Brother	x
William Jemison	x	Nixon Thomas	x
William Snidor	x	Wilson Thomas	x
Samuel Parker	x	David Bigbag	x
Joseph Taylor	x	Elias Jones	x
Tommy Hill	x	Reuben Jones	x
John Hill	x	Tommy White	x
Isaac Hill	x	John Thomas	x
Lewis Cananta	x	David Shanks	x
Richard Cooper	x	James John	x
Thompson Cananta	x	Ely Stone	x
Abel Bigham	x	Nicholson Parker	x
Thomas Bigtree	x	George Taylor	x
John Bigtree	x	Thomas Spring	x
Joseph Fish	x	Thomas Snider	x
John Beaver	x	Billy Halfbreed	x
Benjamin Jones	x	Daniel Spring	x
Monroe Squire	x	William Moses	x
Stephen Bigbag	x	John Jones	x
William Lacy	x	James John, jr.	x

William Fish	x	Adam Blue Sky	x
Daniel Fish	x	James Johnson	x
James Fish	x		

September 15, 1838.

I hereby certify, that all persons whose names are attached to this paper, did severally and personally make their marks in my presence. THOMAS JEMISON, *Interpreter.*

B.

We, the undersigned, warriors and residents of the Seneca nation of Indians, in the county of Erie, and State of New York, most respectfully beg leave to protest and remonstrate against the sale and disposition of our land to those who claim the pre-emptive right to purchase the same, or to any other individual or individuals, or the Government; as it is, and ever has been, our deliberate determination not to accept of the territory offered to us by the Government, neither to part with the lands now in our possession, and under the control of the chiefs as our representatives.

Dated this 21st day of September, 1838.

John M. Mason		Thomas Jones	x
John Kennedy		Peter Sundown	x
Jack Doxtator	x	James Coniscag	x
Robert Silverheeis	x	William Johnson	x
John Steven	x	Gilbert Crawford	x
Jonah Armstrong	x	John General, jr.	x
Thomas Beaver	x	Arm Strong	x
Black Squirrel	x	John Fox	x
Benjamin Jonny John	x	Henry Wood	x
John Mitten	x	Jacob Warwee	x
John Joshua	x	George Green	x
John Luke	x	Jack Joseph	x
Elijah Cayugah	x	Moses Doxtator	x
Little George	x	Thomas Doxtator	x
Thomas Blinkey	x	Peter Snow	x
Anthony Wayne	x	Joseph Dudley	x
John Dana	x	Billy Jones	x
Peter Johnson	x	John Jacket	x
William Cayugah	x	Andrew Snow	x
Abram Jonny John	x	Young Squirrel	x
James Green Blanket	x	John Hemlock	x
Thomas Hemlock	x	William George	x
Philip Canjokady	x	Henry Phelps	x
John Green Blanket	x	Thompson Cayuga	x

William Elick	x	Jim Billy	x
Young Farmer	x	John Hemlock, jr.	x
Young Wilson	x	Major Camp	x
Capt. Cook	x	James Harris	x
Philip Snow	x	John Moses	x
Asa Sundown	x	John Crow	x
George Washington	x	Joel Sundown	x
Samuel Logan	x	Jack Jonny John	x
James Spring	x	Yellow Blanket	x
John Austin	x	William Hemlock	x
Joe Hemlock, jr.	x	Gilman Clark	x
Isaac Jonny John	x	Thomas Snow	x
James Philips	x	Charles Kennedy	x
Orlando Tall John	x	John Baldwin	x
Charles Half White	x	Richard White	x
Black Squirrel	x	John Bennet	x
John Mack	x		

September 22, 1838.

I hereby certify that all persons who signed this paper, are men of the Seneca nation, and they did severally and personally sign and make their marks in my presence.

MARIS B. PIERCE.

C.

We, the undersigned, warriors and residents of the Cattaraugus reservation of Indians, in the State of New York, most respectfully beg leave to protest and remonstrate against the sale and disposition of our land to those who claim the pre-emptive right to purchase the same, or to any other individual or individuals, or the Government; as it is, and ever has been, our deliberate resolve not to accept of the territory offered to us by the Government; neither to part with the lands now in our possession, and under control of the chiefs as our representatives.

Dated this 17th day of September, 1838.

Zechariah L. Jimeson		George Billey	x
Thomas Runner	x	Jimmy Cornplanter	x
John Dickey	x	Charles Cooper	x
Henry Silverheels	x	Moses George	x
John White	x	Thomas Halfwhite	x
Stephen Silverheels	x	Jacob Johnson	x
Abram John	x	William Mohawk	x
Peter White	x	John Turkey	x
Joseph John	x	Thomas Jimeson	x

John King	x	John Spruce	x
William Dennis	x	Jack Doctor	x
Sacket Warrior	x	Moses George	x
Richard John	x	Thomas Halfwhite	x
Thomas Shongo	x	John Mohawk	x
James Eels	x	Moses Turkey	x
Gibson Mohawk	x	Captain Jackson	x
Titus Warrior	x	John Porcupine	x
David Snow	x	Jonathan Johnson	x
Joshua Turkey	x	Big Chief	x
Paul Peter	x	George Green	x
Isaac Turkey	x	Abram Half White	x
Isaac Davis	x	Gardner York	x
Andrew John	x	Harry York	x
William Davis	x	Watson Pierce	x
John Seneca	x	John Green	x
William Snow	x	Solomon Green	x
John Titus	x	John Green, jr.	x
William Jacobs	x	Joseph Silverheels	x
Jacob Jacobs	x	William Bluesky	x
Henry Jacobs	x	George Jimeson	x
John Jones	x	George Jacob	x
James Crow	x	John Mohawk	x
John Andiron	x	George White	x
Joseph Snow, jr.	x	Allen Jimeson	x
Adam Reed	x	Smith Thompson	x
John Canada	x	John Deer	x
James Reuben	x	John Jacobs	x
George Halftown	x	George Cornplanter	x
John Thompson	x		

I hereby certify that all persons whose names are attached to this paper did severally and personally make their marks in presence of—

J. N. HILLMAN.

17th Ninth month, 1838.

D.

To the honorable the Senate of the United States:

In addition to the memorial and protest submitted by us to your honorable body, we respectfully submit the following statement to accompany said memorial, and we ask your attention to the same. Every fact herein stated can and will be proven in any way pointed out by your honorable body.

This subject so vitally concerns our peace, happiness, and future welfare, as a nation and a people who feel they have rights which ought not to be invaded by force, and more especially by the United States, to whom they have always looked up as friends and protectors, that the undersigned cannot let it pass without the following statement:

The undersigned speak not only from their acquaintance with the views and wishes of the Senecas, but from their own personal knowledge and view of what took place relative to the pretended treaty, and unhesitatingly pronounce the proceedings in relation thereto to be unheard of, and disgraceful to the parties concerned.

Upon the 17th of August, 1838, a negotiation was held at the Buffalo Creek reservation, in the State of New York, between the chiefs of the Seneca nation and R. H. Gillett, United States commissioner, and H. A. S. Dearborn, superintendent on the part of the State of Massachusetts. The council being opened, the proposed treaty, with the *amendments*, was laid before it by the United States commissioner, who urged its adoption. The council continued for more than two weeks, and every influence used to operate upon the chiefs, when the council was allowed time to deliberate, and make a final conclusion in the case. The chiefs then met in private council, and, after well deliberating, they came to the following decision: "that they do not assent to the treaty and the amendments, or consent to part with their lands, and remove west of the Mississippi." This determination was communicated to the commissioner in the presence of General Dearborn. The commissioner refused to accept the decision of the council, insisted upon the treaty and its amendments being adopted, and menaced that all the Indians in New York would be removed; for, said he "this is the policy of the Government, and they will carry it into effect." And he added, "what will you do, since you have deeded away your lands to the pre-emption company, and the Governor of Massachusetts has approved it? Since you reject the offers of the General Government, where will you go?" In this style were the chiefs addressed, and the most violent threats used to induce them to accept the treaty, &c.; and this course was pursued for weeks in a manner and language inconsistent with the dignity of the United States, and with every principle of justice, or of humanity, or right.

The chiefs remonstrated against such a course, and asked that the council should be adjourned, as their fields were suffering for the want of being harvested; but this was refused, and they were told that the question would be left open to obtain a majority of their signatures at his room elsewhere, whenever he could obtain the signatures, if they were refused in council.

Things continued in this way until the 28th of September, in the same year, when the assent of the chiefs was laid upon a table for signatures. The chiefs insisted that the protest of the chiefs against

the treaty and the amendments should also be witnessed by the commissioner, which was refused by the commissioner, but General Dearborn witnessed it. The *assent* was then signed but by *sixteen* of the chiefs, and *sixty-four* chiefs signed the *protest*. The commissioner then adjourned the council for the day, and went to his own room and lodgings. Thus was the question disposed of " in council," in the manner prescribed by the resolution of the Senate of the United States.

The council being over, as to the above object, Mr. Gillett continued to use his private influence to obtain other signatures, and, having failed to do so, he tried what a compromise could effect. He first offered a nominal rent for the Senecas to give for their farms for ten years. This was refused. He then offered that the Senecas should have two life leases for each family upon the farms, which was also rejected. The commissioner then, upon the 2d of October, adjourned the council to the 15th of November, 1838, and the said council was never called; and Mr. Gillett afterward informed some of us that he had instructed the sub-agent not to call the council again.

During all of this time the United States commissioner, to the degradation of the Government he represented, remained in the city of Buffalo and the adjacent towns, calling upon the chiefs individually and secretly to obtain their signatures to the pretended treaty. The Tonewonda chiefs whom he visited, unanimously rejected his solicitations, and would not be influenced by his *threats* or his *offers*. During all of this time, the commissioner was engaged as above, in his shameful course, and left Buffalo upon the 28th of December, 1838, without giving notice of his departure. How far he succeeded in obtaining in this improper way, to say no more of it, any additional signatures, the undersigned cannot say, but fear he may have done it, as it appears by document P, which we annex to this statement, that at least *five* of the chiefs were imposed upon to obtain their signatures.

If required, we can produce many other facts to show the fraudulent and unjustifiable course pursued in regard to the treaty, now so called, which is laid before you.

We also state that *Charles Greybeard*, *John Hutcheson*, and *Charles F. Pierce*, whose names are affixed to the said treaty, are not *chiefs*, but only *warriors* of the Seneca nation; and the imposition of their names as chiefs is a fraud upon the country. We are informed, and so can prove, that these men were created *chiefs*. One of the chiefs, at present in Washington city, and who is in favor of the treaty, informs us these three warriors were so created by the *sub-agent* for the occasion. Neither is *John Gorden* a chief of the Seneca nation.

Should the Senate, in the teeth of these facts, and in opposition to every principle of justice, not listen to our protest, all that we

can do, is to repeat, in that event, the proposition made by our *predecessors* last year, which is as follows: "that a survey of our lands may be made, and the lines run and distinctly marked, and that an equitable division of our lands may be made among those who wish to go, and those who are resolved to remain where they are, so that each one may be at liberty to dispose of his share or portion, or to keep it and remain as he pleases."

In the fairness and justice of this last and conditional request, we feel satisfied your honorable body will concur.

We also submit, with this statement, the *affidavit* of *John Kennedy* and *Daniel Two Guns*, showing that our documents were stolen from us on our way to the city of Washington. The documents were, to wit: the protest of the sixty-four chiefs opposed to the treaty and the amendments, witnessed by General Dearborn, a copy of which we were told is in the *War Department*, and, if not sent to you, we ask you to call for it; also, more than a dozen affidavits of the *chiefs* and warriors of our nation, exposing the *frauds* practised upon us by the following persons, viz.: *H. B. Potter, Esq., O. Allen, Doctor Wilcox* and *Horace Jones*, sub-company of the Ogden Company, and by *James Stryker*, the *Sub-Indian agent*, also the affidavit of *John Snow*, a chief, containing $100 in bank bills enclosed, substantiating the facts therein stated.

We most respectfully urge upon your honorable body a speedy decision and action upon our case. We are instructed by those we represent to say that we have every confidence in the justice, magnanimity, and wisdom of the great nation of the United States, towards whom the Senecas cherish the best feelings of friendship, and that, having this confidence, the Senecas rely upon justice from your decision in the case now before your honorable body.

These matters and things are respectfully submitted by us, the delegation of the Seneca nation of Indians.

ISRAEL JEMISON, his x mark.
SENECA WHITE,
MARIS B. PIERCE,
JOHN KENNEDY, Jr.

WASHINGTON CITY, D. C., *February* 7, 1839.

P.

We, the undersigned, chiefs of the Seneca nation, having, for certain reasons, been induced to sign a paper of some description, the purport of which we are ignorant of, fearing the same may be taken as our voluntary assent to the amendments, hereby inform you, as the superintendent on the part of Massachusetts, not to sanction such act, as it was not our intention, by signing such paper, to cut

ourselves off from accepting or rejecting said amendments in open council.

Sky Carrier, his x mark.
Tall Peter, x
Long John, x
John Snow.
Little Johnson, x

Supposed *(drunk at the time)* he signed, as he is told that he did.

I hereby certify, that I wrote the names of the signatures to the above notice, and saw each person put his cross or mark opposite his own name.

Dated this 27th day of September, 1838.

MARIS B. PIERCE.
Secretary of the Seneca nation.

I hereby certify, that the above is a correct copy of a paper which I saw M. B. Pierce hand to the superintendent on the part of Massachusetts.

Dated this 27th day of September, 1838.

S. G. HEACOCK.

A list, containing the number of women and children, warriors and chiefs, of the Seneca nation, residing within the boundaries of the Buffalo Creek reservation; comprising all those who are opposed to emigration, and must be represented by their chiefs in council assembled.

Those marked with an asterisk (*) have died since the payment of the last annuity.

Heads of Families.	*Women and children.*	*Warriors.*	*Chiefs.*
Little Joe	1	Little Joe	
		George Little Joe	
		John Little Joe	
George Billy	3—1*	George Billy	
Benj. Jonny John	3	Benj. Jonny John	Edwd. Jonny John
Joel Hemlock	5	William Hemlock	Joel Hemlock
		Joe Hemlock, jr.	
Squaw Fishook	4	Fishhook	
		Young Fishhook	
Little George	5	Little George	
Philip Kenjockety	3—1*	Philip Kenjockety	
		Joe John	
		Jim Philips	
		Henry Philips	
		John Philips	
		John Bennett	
Doctor Jake	1	Doctor Jake	
		Captain Cook	
		John Blinky	
Jonny John	7		Jonny John
John Hemlock	1	John Hemlock	
		Reuben Wheelbarrow	
Tommy Jemmy's wife	4—1*		
Henry Wood	1	Henry Wood	
		David Stevens	
Billy Jones	3—1*	Billy Jones	
		Thomas Jones	
		George Jones	
Jacob Bennett	5—1*	Lewis Bennett	Jacob Bennett
		John Bennett	
		Hanover Bennett	
Betsey Bennett	4		
Peter Johnson	3	William Johnson	Peter Johnson
Ge Ge	6—1*	John Wellfall	
Thomas Hemlock	8—2*	Thomas Hemlock	
Andrew Snow Sisters	2		
Adam Doxtator	4	Henry Moses	Adam Doxtator
			Jack Doxtator
Widow Fishhook	7	George Crooked	
		Adolphus Blinky	
		John Blinky	
		Charles Jimeson	

Heads of Families.	*Women and children.*	*Warriors.*	*Chiefs.*
Gr-noh-gwù-o	2		
Oh-weh-seh	5		
George Moses	4	George Moses	
		Thomas Doxtator	
		William Doxtator	
Jake Quave	5	Jake Quave	
Jack Kenjockety	3	Jack Kenjockety	
Sken Joh	5	Sken Joh	
Thomas Beaver	5	Thomas Beaver	
		Young Beaver	
		John Doxtator	
		Young Squirrel	
John Hudson	5	Hemlock Carrier	John Hudson
John General	1	Jonas General	John General
John Look	1	John Look	
		Peter Snow	
Thomas Snow	2	Thomas Snow	
Grs-gwi-u	2	Grs-gwi-u	
		Isaac Thomas	
Black Squirrel	5	Black Squirrel	
Gr-eke dyrs	3		
John Green Blanket	8	James Green Blanket	John Green Blanket
		G. Green Blanket	Geo. Green Blanket
		David Green Blanket	
George Lindsey	4		George Lindsey
Anthony Wayne		Anthony Wayne	
		Robert Silverheels	
John Blinky	2	John Blinky	
John Strong's wife	4	John Strong	
		Moses Crow	
		John Crow	
Jack Jonny John	2—2*		Jack Jonny John
Jesse Jimeson	2	Jesse Jimeson	
Da-gr-a-o-dr-ga	4	Da-gr-a-o-dr-ga	
(J. Jimeson's wife)			
Young Squirrel's wife	3		
Mrs. Jack Berry	3		
Sky Carrier	12—3*	John Dana	Sky Carrier
			John Mitten
James Mitten	3—1*	James Mitten	
Jr-gi-aeh		Jr gi aeh	
		O-nonk-da	
Elijah Cayuga	2	Elijah Cayuga	
		William Cayuga	
		Isaac Jonny John	
		Gilman Clark	
		John Johnny John	
Joseph Dudley	3	Joseph Dudley	
Tommy Jimmy	2	Tommy Jimmy	

Heads of Families.	*Women and children.*	*Warriors.*	*Chiefs.*
		George Washington	
Thompson Cayuga	3	Thompson Cayuga	
Amos Blinky	3		
Wm. Mature	4	William Mature	
Deh-gui-and	3		
Hr-weh doh	4	George Crow	
Gr-yr-sont-hoh	4		
Shah-da-wrs	2—4*		
John Joshua	2	Big Chief	John Joshua
Wm. Ellick	8—1*	Wm. Ellick	
		Jim Billy	
Tall John	7—2*	Tall John	
		Orlando Tall John	
		Steven Tall John	
John Strong	4—1*	John Strong	
Big Kettle's party.			
Jacob Big Kettle	7	Jacob Big Kettle	
Big Kettle	2	Old Dickie	Big Kettle
Mary Crow	3		
Samuel Wilson	6—3*	Elijah Wilson	Samuel Wilson
		Peter Wilson	
John Seneca's wife	3	Lewis Seneca	
Isaac Jonny John	3—1*	James Isaac	Isaac Jonny John
Seneca White	6	Richard White	Seneca White
			David White
Wm. Seely	5	Wm. Seely	
Mrs. Strawton	5—1*		
Old Peggy	2	James Harris	
Charles Seneca	1—1*	Charles Seneca	
Jonah Strong	3—1*		Jonah Strong
Mrs. Armstrong	4—1*		
Harry Two Guns	13	Cephas Two Guns	Harry Two Guns
		George Two Guns	
Saul Logan	2		Saul Logan
Mrs. Crow	5	Jasper Crow	
Young Farmer		Young Farmer	
Daniel Two Guns	5	Shah-go-gwh-not	Daniel Two Guns
William Jones	5—1*		William Jones
Sam Jimeson	4	Sam Jimeson	
Joel Sundown	8—3*	Joel Sundown	
Peter Sundown	6	Peter Sundown	
		Larenzo Sundown	
W. Tall Chief's wife	4	Wm. Tall Chief. jr.	
		Alexander Tall Chief	
		George Tall Chief	
William Krouse	4		William Krouse

Heads of Families.	*Women and children.*	*Warriors*	*Chiefs.*
Polly George	3—1*	Moses Yellow Blanket	
Young Button	4	Young Button	Mark Charles
		John Button	
		David Button	
William Harris	7	William Harris	
Ge-nake-ho	8	Ge-nake-ho	
John Wilson	4		
William Cass	9	Ge Buck Johnson	William Cass
		Wm. Johnson	
		Peter Johnson	
		George Johnson	
Naah-sr-geh	7	Naah-sr-geh	
Ab'm Twenty Canoes	3—2*	Thomas Bishop	
		Ab'm Twenty Canoes	
Rose Jimeson	2—1*		
John Jacket	5	John Jacket	
		Sylvester Lay	
		Moses Lay	
Major Camp	5—1*	Major Camp	
Nah-gone-de	5—1*		
Ho-nyah-geh-deh	5—1*	Ho-nyah-geh-deh	
		Hoh-yeh-sat-hoh	
George Washington	4	George Washington	
		John Dickie	
Gerry Smith	4	Gerry Smith	
Wm. King's wife	3		
John Balden	3		John Baldwin
George Kenjockety	4	George Warrior	George Kenjockety
		Moses Kenjockety	
Jackson's wife	5	Ge-noh-hoh	
		Jake Shongo	
		John Shongo	
		Filmore Jackson	
John Kennedy	4	Charles Kennedy	John Kennedy, sen.
			John Kennedy, jr.
John Tall Chief			John Tall Chief
John Bark			John Bark
Little Blacksmith		Little Blacksmith	
Da-gr-nyeh-sos	2	Da-gr-nyeh-sos	
Nancy White	5—3*		
John Snow	5	Philip Snow	John Snow
James Spring	6		James Spring
Jabez King	2	Jabez King	
Wm. Logan	2	Wm. Logan	
Fanny Bridge	2—2*	Andrew Fox	
Gr-he-yeh	3		
John Mason	1—2*	John Mason	
Black Squaw	4—1*		

John Kennedy, jr., and John Hudson, being duly sworn, depose and say, that they have inquired of every person accounted in the foregoing list, and they have severally told them that they were opposed to emigration to the west, and to the sale of their lands to the Ogden Company ; and that they have made out the foregoing list and know it to be correct, and further say not.

JOHN KENNEDY, Jr.
JOHN HUDSON.

Subscribed and sworn before me, this 31st day of August, A. D. 1839.

H. A. SALISBURY,
Commissioner of Deeds for Erie county.

We have taken no census of the emigration party the present summer, but will only send a copy taken last year, as they have refused to give their numbers.

JOHN KENNEDY, Jr.

George Jimeson	10	Little Johnson	1
Thomas Jimeson	7	William Tall Chief	1
James Stevenson	6	John Jimeson	1
Jabez Stevenson	6	Tommy Jimmy	1
Job Pierce	4	John Wilson	1
Captain Pollard	4	Andrew Snow	1
John Seneca	4	James Stevenson's sister	2
John Bennet	1	Edward Johnson	3
Tall Peter	1		

John Hudson, being duly sworn, deposeth and saith that the facts set forth in the within instrument are true; and further saith not.

JOHN HUDSON.

Subscribed and sworn before me, this 31st day of August, 1839.

H. A. SALISBURY,
Commissioner of Deeds for Erie county.

John Kennedy, being duly sworn, deposeth and saith that he, with Hudson, attempted to take the number of the emigration party for the year 1839, but that they could not do so, on account of the refusal of the heads of families to give their numbers ; and further saith not.

JOHN HUDSON,
JOHN KENNEDY, Jr.

Subscribed and sworn before me, this 31st day of August, 1839.

H. A. SALISBURY,
Commissioner of Deeds for Erie county.

A census of Seneca Indians residing on the Allegh ny reservation, who are opposed to selling their lands, and removi g to the west.

Heads of families.	*Chiefs.*	*Warriors.*	*Women.*	*Children.*	
				Male.	*Female.*
Tunis Halftown	1	1	1	1	1
Owen Blacksnake	1		1	2	
David Halftown		1	3	1	2
John Sampson		1	1	1	
Governor Blacksnake	1		2	4	1
Robert Watt	1				
William Patterson	1	2	1	2	3
Big Snow		1	3	2	1
Jackson Curry		3	3	4	
William Halftown		1	1	1	1
Joseph Harris		3	3		
John Logan		1	1		1
Abraham Halftown		1	3		
George Jacobs		1	1	2	1
John Jacobs		3	1		
William Readeye		2	4	7	1
David Dowdy		1	1		
Amos Readeye		1	1	1	1
John Halftown		1	1		1
George Billy		2	1		3
Billy Boy		1	2		1
Dodge Fatty		1	1		
Alexander John		1	1	2	1
Jacob Fatty		1			
John Watt		1			
Jesse Killbuck		1	1		
John Cheeks		1	1		
William Logan		3	2		2
Jacob Robinson		1	1	1	
George Robinson		1	2		2
Henry White			1	1	2
Jonathan Titus		2	2	1	1
Thomas Jacobs		2	2	2	1
Little Philip		2	2		1
Amos Thompson		1			

Heads of Families.	*Chiefs.*	*Warriors.*	*Women.*	*Children.*	
				Male.	*Female.*
James Jimison		1			
James McCurry		1	2	3	1
John Gordon	1	2	4	3	2
Joseph Snow			1	1	1
Betsey Dowdy			2		
William Bone		1	1		1
John Pierce	1	3	2		
Benj. Pierce		1	1	1	4
Simeon Pierce		2	1	1	1
Sky Pierce	1	1	2	1	
Robert Pierce		1	1		
James Pierce	1		1	2	2
Holiday Jackson		3	2	1	2
William Armstrong		1	1	1	1
Silas Crouse			1	3	1
Charles O. Beal	1	4	7	1	4
John Logan, Esq.		2	4	1	
Abraham Silverheels		2	1		3
George Blacksnake		1	3		1
Moses Pierce	1	4	2	1	3
William O. Beal		2	1	2	4
Old Logan		2	1	1	
William How		1	1		3
John How		3	3		
John Cornfield		1	1		
James Jacobs		1			
John King		1			
Horace Jimeson		1	1		
Thomas Halftown		1	1		1
Joseph Snow		1			
James John		1			
Jacob Blacksnake	1		5	2	
James Shongo	1		3		1
John Jimeson		1	1		5
Simon Strong		1	1	1	
Isaac Jimeson		1	5	3	2
Captain Isaac		1	1		1
Jacob Shongo	1	1	1	3	1

Heads of Families.	*Chiefs.*	*Warriors.*	*Women.*	*Children.*	
				Male.	*Female.*
Ezekiel Shongo		1	1	2	2
John Johnson		1	1	1	1
Simeon John		2	1	1	4
Old Sunfish		2			
Jacob John		2	2		
John Hibbard		1	2	1	1
John Shongo		1			
John Snider		2	3	2	3
Samel Jones		3	4	4	2
Benj. Hudson		3	3	2	4
Eli Shongo		3	2	4	
Peter John		2	1	1	1
Old Bucktooth		3	3	1	1
Jesse Plummer		2	1	2	1
Isaac Jimeson		1	1	1	1
Jacob Tailor		2	4		1
Charles John		1	1		1
Long John	1	2	4		
Jacob Jimeson	1	1	3	2	1
John Logan		1			
Tanty Jimeson		5	3	5	1
Peter Jimeson		1	3	1	1
Robert Gordon		1	1	2	2
Jacob Fatty		1	3		1
David Snow	1		1	1	
Old Fatty		1	1		
George Gordon		1	5		1
John Fatty		1	3	2	
Josiah Harris		2	2		2
Joseph Shongo		1	1	1	2
Isaac Halftown	1	1	2	2	3
Johnson Jimeson		2	1	1	2
David Shongo		1	1	1	1
George Killbuck	1	2	5	1	
Doctor Jimeson		3	4	3	2
Eli Jimeson		1	1	1	3
David Killbuck		1	1	3	
Brooks Redeye		3	3	1	1

Heads of Families.	*Chiefs.*	*Warriors.*	*Women.*	*Children.*	
				Male.	*Female.*
Peter Halfwhite - - -		1	1	1	
Samuel Able - - -		1	1	2	
William Logan - - -		1	1	1	
John Lewis - - -		3	2	3	1
Joseph Jimeson - - -		1	3	1	2
Captain Strong - - -		1			
John Redeye - - -		1	1	2	2
Jackson Shongo - - -		2	5	1	
Big Kettle - - -		1	2		
Billy Dowdy - - -		1	1		
James Redeye - - -		1	1	1	1
George Titus - - -		1	2	3	
John Titus - - -		2	3	1	1
Billy Dowdy, 2d - - -		1	1	1	1
Total. - -	19	177	218	133	129

We, the undersigned, hereby certify, that we were appointed by the chiefs and headmen of the Seneca nation of Indians residing on the Alleghany reservation to number the Seneca Indians residing on said reservation who are opposed to selling their lands and removing to the west. Now, therefore, in pursuance of said appointment, we have completed said census, and that the above list is true, in all respects, to the best of our knowledge and belief.

Given under our hands at Alleghany reservation, in the county of Cattaraugus, this 22d day of August, 1839.

ARIEL WELLMAN, Jr.,
Commissioner of Deeds.
LEWIS P. THORP,
Justice of the Peace.

CATTARAUGUS COUNTY, *ss.*

John Gordon, being duly sworn, deposeth and saith: Although he has signed the treaty, he is now opposed to selling and removing to the west, for the reason that his family and relations, together with those on the Alleghany reservation, are much averse to the measure; and, also, that he has been deceived, and, as he terms it, cheated, into the measures and the proceedings of the agents. And

in the sight of God, I feel I have done wrong, and now wish to recall all I have done in relation to the treaty.

his
JOHN x GORDON.
mark.

Sworn and subscribed before me, this 22d day of August, 1839.
ARIEL WELLMAN, Jr.,
Commissioner of Deeds, &c.

CATTARAUGUS COUNTY, ss.

Long John, a chief of the Seneca nation of Indians, being duly sworn, deposeth and saith: That some time in the month of January last, to the best of his recollection, he signed the treaty for selling Indian lands and removing to the west: said signature was done at the Eagle Tavern, in the city of Buffalo, through the persuasion and misrepresentation of a man, (name not recollected,) but who he has since learned and verily believes to have been a private agent for the Ogden Company: said man told me that I should receive fifteen hundred dollars for myself, and forty acres of land for each of my children during their natural lives, in peaceable possession on the Alleghany reservation. After considerable reflection, he has come to the conclusion that the inducement held out by said man will never be realized by the Indians, and that now he is utterly opposed to selling out and removing to the west.

his
LONG x JOHN.
mark.

Sworn and subscribed before me, this 22d day of August, 1839.
LEWIS P. THORP,
Justice of the Peace.

STATE OF NEW YORK, *Cattaraugus county, ss.*

Jacob Jimeson, a chief of the Seneca nation of Indians, residing on the Alleghany reservation, being duly sworn, deposeth and saith: That through the representations of some of the older chiefs that he thought knew more than himself, and the promises that his children should remain on the improvements he now owns, also two thousand dollars, one hundred of which was to be paid immediately on signing, he, therefore, was induced to sell. The one hundred has not yet been paid, and believes the other promises equally false and deceptive. Also, his connexions and all on the reservation being opposed to selling and removing to the west, he therefore declares that he is now opposed to selling or emigrating to the west.

his
JACOB x JIMESON.
mark

Sworn and subscribed before me, this 22d day of August, 1839.
LEWIS P. THORP.
Justice of the Peace.

STATE OF NEW YORK, *Cattaraugus county, ss.*

I, Francis E. Baillet, clerk of the Court of Common Pleas of the county and state aforesaid, do hereby certify, that Lewis P. Thorp is a magistrate, and Ariel Wellman, jr., is a commissioner of deeds as within, and that the foregoing signatures purporting to be theirs are genuine.

Given under my hand and the seal of said county the 23d day of August, 1839.

FRANCIS E. BAILLET, *Clerk.* [L. S.]

The undersigned, chiefs of the Seneca nation, residing on the Tonewonda reservation, being duly sworn, depose and say, that the number of warriors living on said reservation is one hundred and thirty, and that the number of women is one hundred and forty, and that the number of children is two hundred and fifty-nine ; and further depose and say, that it was stated at Cattaraugus in council, that there had been threats made to deter chiefs from signing a treaty : we have made no such threats.

Jimmy Johnson	x	Jesse Spring	x
Black Smith	x	James Williams	x
Black Chief	x	Samuel Parker	x
Blue Sky	x	Winn Washington	x
John Luke	x	Isaac Shanks	x
John Sky	x	Daniel Spring	x
Stiff Knee	x	Lewis Canada	x
John Bigfire	x	Lewis Poodry	x

Subscribed and sworn, this 22d day of August, 1839, before me,

ELIAS PRATT,

Commissioner of Deeds for Genesee county.

STATE OF NEW YORK, } *ss.*
Genesee county, }

I do hereby certify that Elias Pratt, before whom the annexed instrument in writing was sworn, was at the time of taking such affidavit, a commissioner of deeds in and for said county, duly authorized to take the same. And that I am well acquainted with his handwriting, and verily believe that the signature to said certificate is genuine.

In witness whereof, I have hereunto set my hand and affixed my [L. S.] official seal at Batavia, in said county, this 24th day of August, 1839.

H. U. SOPER, *Clerk of Genesee county.*

The following is a list of persons belonging to the Seneca tribe of Indians, residing on the Cattaraugus reservation in Erie county, New York, who are opposed to the treaty and to emigration.

Heads of families.	*Chiefs.*	*Warriors.*	*Women.*	*Children.*	*Whole number.*
James Turkey		2	1	3	6
Paul Peter		1	1	3	5
James Eels		1	1	1	3
William Scott		2	1		3
George Turkey	1		1	3	5
John Turkey			1	1	2
William Mohawk		1	1	1	3
John Shanks		3	3	4	10
John Thompson			1	2	3
Johnson Doctor,		1			1
Jones Snow		1	1	3	5
John McKee		1			1
George Halfwhite		1			1
John Cook	1	1	4	4	10
Henry Jacobs		3	3	5	11
John Jonas		1	1	1	3
George Deer,	1	1	2	4	8
John Seneca		1	1		2
Isaac Davis	1	3	2	1	7
Joseph Snow	1	1	1	5	8
John Dickey	1	1	1	2	5
Young Jackson		2	3	10	15
John Titus		1	3	3	7
Jack Snow's widow			4	4	8
Joshua Turkey		1			1
John Andiron		3	1		4
Stephen Silverheels		3	2	2	7
Johnson Halftown		1	1		2
Watson Pierce		1	1	4	6
Morris Halftown	1	2	3	1	7
Solomon W. Lane		2	2	1	5
Jacob Johnson	1	2	3	1	7
George Green		3	2	1	6

Heads of families.	*Chiefs.*	*Warriors.*	*Women.*	*Children.*	*Whole number.*
Israel Jemison	1	1	3	2	7
George Dennis,	1	1	3	2	7
William Dennis		1	1	4	6
Abraham John	1	3	2		6
George Jimeson		3	2		5
Young Chief	1	4	3	2	10
Jimmy Cornplanter		2	2	5	9
Samuel Gordon	1	2	2	4	9
John Halfwhite		1	2	2	5
Joseph Silverheels	2		3	1	6
Franklin Crow		1	3		4
George Jacobs		4	1	5	10
Gardner York		1	2	1	4
John Dennis	1			3	4
Thomas Runner		2	3	5	10
Henry Johnson		5	3	4	12
Oliver Silverheels	1	1	2	4	8
Solomon Green		3	3	3	9
Peter White	1	1	1		3
John Spruce		1	4	1	6
John Halftown (Pigeon)		1	1	1	3
Big Chief		2	3	3	8
John Porcupine		2	2	4	8
Nancy Big Chief			1	5	6
Abram Halfwhite		1	1	3	5
George White		1	2	1	4
Wallace King		1	1	4	6
John Blue Sky		2	1	1	4
Sacket Warrior		1			1
William Snow		2	1	3	6
Levi Halftown	1	1	2	3	7
Solomon Obail		1	2	1	4
William Blue Sky		1	1	2	4
Charles Smoke		1			1
Davis Isaac	1	1	2	5	9
John Mohawk		2	2	3	7
Captain Thompson		3	2	9	14
Jack Doctor		1	1	1	3
Joseph A. Sandford		2			2

Heads of families.	*Chiefs.*	*Warriors.*	*Women.*	*Children.*	*Whole number.*
George Halfwhite - - -		1			1
Henry Snow - - -		1	2	1	4
George Thompson - - -		1			1
Henry Silverheels - - -		1	2		3
Lafayette Brooks - - -		1			1
Whole number - - -	20	115	126	168	429

The following is a list of persons, belonging to the Cayuga tribe of Indians, residing on the Cattaraugus reservation in Erie county, New York, who are opposed to the treaty and to emigration.

Heads of families.	*Chiefs.*	*Warriors.*	*Women.*	*Children.*	*Whole number.*
James Turkey - - -	1				1
John Turkey - - -		1		1	2
John Seneca - - -			2	2	4
Ann York - - -			1	2	3
Charles Cooper - - -		1	1	1	3
Abram John - - -			1	2	3
Gardner York - - -		1			1
John White - - -		1			1
Whole number - -	1	4	8	18	18

We were unable to get a census of those who we supposed were in favor of emigration, as they were unwilling to give any account of their families; but from the best account we were enabled to get from the census of last fall, there are about 64.

E. M. PETTIT,
J. N. HILLMAN.

CATTARAUGUS COUNTY, *ss.*

John M. Mason, of Cattaraugus reservation, being duly sworn, deposes and says: That the foregoing lists are a true statement as made by the heads of families, chiefs, warriors, and women, as interpreted by me to Joseph N. Hillman and E. M. Pettit, of the number of each family; and that he gave a true interpretation of the statements of heads of families to the aforesaid J. N. Hillman and E. M. Pettit as to their opposition to the treaty and to emigration.

JOHN M. MASON.

Sworn before me, this 24th day of August, 1839.

E. M. PETTIT, *J. P.*

CATTARAUGUS COUNTY, *ss.*

Joseph N. Hillman, of the county of Erie, N. Y., having duly affirmed, says the foregoing lists are a true account of the statements of the several heads of families, as interpreted to him and E. M. Pettit by the aforesaid John M. Mason on the 22d, 23d, and 24th days of August, 1839.

J. N. HILLMAN.

Affirmed before me, this 24th day of August, 1839.

E. M. PETTIT,
Justice of the Peace.

CATTARAUGUS COUNTY, *ss.*

E. M. Pettit, of the said county, being duly sworn, says, that the foregoing lists are a true account of the statements of the several heads of families, as interpreted to me and Joseph N. Hillman by the aforesaid John M. Mason, on the aforesaid 22d, 23d and 24th days of August, 1839.

E. M. PETTIT.

Sworn before me, this 24th day of August, 1839.

ALONZO FRAIRY,
Commissioner of Deeds.

27th EIGHTH MONTH, 1839.

ESTEEMED FRIENDS—I enclosed for you the copies of the contracts, and had them mailed in a double letter yesterday at Irving. I saw O. Lee the day I took Friends to Fayette: he did not give much encouragement about taking them soon, excepting I could get them there in two days, which I could not do. The census here enclosed does not agree with the one taken a few weeks ago. At that time many of the Indians were off to other reservations and hunting; we made no account of those we could not find. We have taken every pains in taking these. I shall send the originals of the census to J. R. Poinsett, and also of Sam Gordon's and Morris Halftown's affidavits. I directed the copies of the contracts to Robert Hicks, New York.

Nothing very particular has occurred since you were here, to my

knowledge. Dr. Wilcox has taken much pains to inform the people that Friends' station here is a money-making concern to them, but people generally do not believe him. I think of leaving Jane Carpenter's shawl with O. Lee this day, directed to thee—I do not recollect T. Carpenter's direction. Thy friend,

J. N. HILLMAN.

S. SMITH.

The following is a list containing the number of chiefs, warriors, women, and children, of the Cayuga nation of Indians, residing on the Buffalo Creek reservation, composing a large majority who are opposed to emigration.

Heads of families.	*Chiefs.*	*Warriors.*	*Women.*	*Children.*	*Total.*
Joseph Isaac - - -	1	1			4
Jack Wheelbarrow - - -	1	2			3
Alexander Dun - - -		1	5	3	9
Sammy Jimmy - - -		2	1		3
Cayuga Joe - - -		2	2	1	5
Philip Snow - - -		1			1
Miss Sally Sky Carrier - -			1	1	2
Mrs. William Jacket - -			1	1	2
Mrs. Sally Two Guns - -			1	2	3
Mrs. Polly Johnson . - -			1	2	3
Jacob Jackson - - -		1	1		2
Smith Wheelbarrow - -		1	3	2	6
Peter Wilson - - -	1	2			3
Harvey Rowe - - -		4	1	3	8
Total - - -	3	17	19	15	54

John Crow, Thomas Crow, Ghastly Darkness, and Jacob G. Seneca, signed the assent to the amended treaty, as chiefs and headmen of the Cayuga nation, which was presented to the Senate by R. H. Gillett.

Thomas Crow, an emigration warrior, in his speech to the Secretary of War in behalf of the emigration party of the Cayuga nation,

said there was but one chief signed the amended treaty, besides a few of the warriors; which was the honest fact.

Jacob G. Seneca and Joseph L. Peter were elected chiefs by the Six Nations, at the Six Nations council-house, at the Onondago village, on the 17th of July, A. D. 1839. Jacob G. Seneca was not a chief at the time he signed the amended treaty.

PETER WILSON.

The following is a list containing the number of chiefs, warriors, women, and children, of the Cayuga nation of Indians residing on the Buffalo Creek reservation, composing a minority who are in favor of emigration.

Heads of families.	*Chiefs.*	*Warriors.*	*Women.*	*Children.*	*Total.*
Jacob G. Seneca - - -	1		3	4	8
Joseph L. Peter - - -	1	1	2	3	7
Snow Darkness - - -		1			1
Miss Nancy Wheelbarrow - -			1		1
Total - - - -	2	2	6	7	17

Ghastly Darkness has signed for and against the amended treaty.

PETER WILSON.

Buffalo Creek Reservation, Sept. 2, 1839.

Peter Wilson, a chief of the Cayuga nation of Indians, residing on the Buffalo Creek reservation, being duly sworn, deposeth and saith, that he hath seen and inquired of all the persons included in the foregoing enumeration, and knows that it is a correct exhibition of the comparative strength of the two parties, and that it includes all the Cayugas resident on the Buffalo Creek reservation; and further saith not.

PETER WILSON.

Subscribed and sworn before me, this 2d September, A. D. 1839.

H. A. SALISBURY,

Commissioner of Deeds for Erie county.

[No. 11]

A. WRIGHT'S LETTER.

To the Committee of delegates from the the three Yearly Meetings of Friends of New York, Genesee, and Philadelphia:

GENTLEMEN: Your note desiring information relative to the means used to effect a treaty with the New York Indians, should have been answered before this, but ill health and numerous calls to attend upon the sick, added to the customary and indispensable engagements of my station, have made the delay necessary. In all ordinary circumstances I have felt it my duty to abstain from every thing which might be construed as interference with the political affairs of the Indians, but since, gentlemen, you have been requested by the President himself to investigate their affairs, and since the Secretary of War has, as you state in your note, assured you that any correct information on the subject would be acceptable to his department, I do not feel at liberty to withhold from you such facts as have come to my knowledge. I must, however, beg leave to state, in the outset, that my sole design is to do whatever may be in my power to furnish means of information to those officers of the United States Government on whom rests the responsibility of deciding the fate of the pending treaty. This, every good citizen, in whatever situation, ought to feel to be his duty, and should he withhold facts which might have an important bearing on the point at issue, and should the Government, for want of knowledge of those facts, pursue a course which might bring odium upon itself or ruin upon the parties concerned, the blame must assuredly rest on him who traitorously concealed the truth needed to prevent such evils. I have indeed been accused, by men concerned in bringing about the emigration of the Indians, of being an enemy of the Government, an opposer of the treaty, &c. But my only opposition has been to unfairness and injustice; and, if I rightly understand human nature, an enemy of the Government would be likely to keep quiet and say nothing till that unfairness and injustice had been sanctioned, and then blaze abroad the proceedings extensively as possible, in order to fix the charge of corruption and fraud upon the Administration, and bring the Government into discredit with the people. No good man can be such an enemy; still I have my own views of the consequences to the parties, should the Indians go beyond the Mississippi. This is every man's right. But the stand I have always maintained before all parties, in public and in private, is, if the Indians choose, in view of all the circumstances, to remove, let them remove; if not, let them remain; and the only acts I have ever allowed myself to perform in relation to the subject, have been such as directly tended to bring out the facts in the case before the proper

officers of the Government, and were designed to accomplish that single object, and thus promote the honor of my country and the welfare of the Indians.

With this explanation, I proceed to the main points of inquiry proposed in your note.

1. Have any *unfair* means been employed to effect the treaty?

In reply permit me to say, that if, as appeared from statements in the memorials of the chiefs forwarded to Washington in March, A. D. 1838, certain individuals represented to the War Department that the Indians were desirous of emigrating, and on that account requested a commissioner to be sent to treat with them, then that was unfair in the very outset, for, at that time a very large majority, probably forty-nine out of fifty, were strongly opposed to emigration.

2. The fact that the Indians were prevented from making known their grievances to the public, savors strongly of unfairness from the commencement of their difficulties. They relied upon the integrity and generosity of the whites, and believed that if the truth could be fully known throughout the country they should obtain justice. Hence they deemed it very important to gain access to the public mind through the medium of the newspapers. In one or two instances in the early part of the struggle, they succeeded in getting an expression of their views into one or two of the Buffalo papers. This appeared to produce considerable sensation among those who were endeavoring to make the treaty, and subsequently the efforts of the Indians to procure the publication of any article which might aid their cause, in any of the principal papers in this vicinity, have been unavailing; while on the other hand, emigration men could, and did get inserted, such things as tended to promote their plans. On one occasion Big Kettle called upon me, and knowing that I had been severely censured for acting on a former occasion as his amanuensis, said he could not ask me to aid him again, but desired me to name some person who might be trusted to draw up an article for the press, as they had just before been deceived by one who pretended to write according to their wishes; but when the article appeared in print, it was altogether another thing from what they had dictated. A friend of mine, present on a visit, volunteered his services, went to their council, and wrote from the lips of their interpreter, a plain statement of what they considered the wrongs they had received from Mr. Schermerhorn and others, together with a full explanation of their views on the subject of removal. The article was carried to the office of one of the most respectable papers in Buffalo, where an immediate insertion was promised; but when, after considerable delay, it did not appear, the editor was inquired of, and he stated that he was unwilling to publish it, for he did not see that any good would grow of it, or words to that effect; and similar results followed their subsequent efforts to make their situa-

tion known to the community; and thus the people have been, till recently, kept almost entirely ignorant of their wrongs. What caused the change in the editor's views, or why other publishers adopted a similar course, I am entirely unable to explain; but the fact that they were thus treated was felt by the Indians to be exceedingly oppressive, and strengthened their impression that the men of power and influence among the whites were combined together, and determined, right or wrong, to push the treaty and get rid of them.

3. The attempt to interfere with the prerogatives of the people, in the electing and deposing of their chiefs, appears unfair and oppressive.

The Indians, from time immemorial, have maintained the doctrine that all power is in the hands of the people. The chiefs, at their inauguration, are expressly instructed that their business is to provide for the welfare, and execute the will of the people, and that whenever they fail or refuse to do this, they are liable at any time to be deposed, and their places filled by such as will do it. This charge constitutes a part of the public solemn ceremony of inauguration, and is fully understood by all. When the mass of the people ascertained that certain of the chiefs were favoring the emigration policy, they at once resolved, that, inasmuch as these men had violated their national regulations, by pursuing a course contrary to the well known and often expressed will of the people, they would at once remove them from office. This, according to all law and usage among themselves, they had an undoubted right to do; nor had they, in any of their treaties with the whites, sacrificed that right. But when they undertook to exercise it, they were met by the assertion that the deposed chiefs should be still acknowledged by the United States Government, and their rights which they pleaded had been guarantied by treaty, be accounted a nullity. Whether this was all the pretence of the commissioners and agents, in order to force the Indians to acquiesce, and treat with them, or whether instructions to this effect were given from the War Department, I know not; but the Indians were told that it was the decision of Government, and it would be useless to attempt resistance; that Government would acknowledge such chiefs as they pleased, without regard to their proceedings.

4. Although, compared with other things, it may seem hardly worth mentioning, yet as it goes to show the system of means employed, it may not be improper to name as unfair and injurious to the reputation and interest of those opposed to emigration, the constant effort to circulate false impressions among the whites, and, as has been reported at Washington, also, that the intelligent, respectable and Christian portion of the people were willing to emigrate, while the ignorant, wretched pagans, were the only persons who desired to remain at home. The incorrectness of such impressions is

best shown by the fact that, when it suited their purpose, the emigrationists have represented the churches in the different reservations, as so opposed to their views as to make them sufficient ground for discipline. I believe we have not, in any of our churches, attempted, within the last three or four years, to discipline an emigration man for licentiousness or drunkenness, without having it thrown back in our faces that it was on account of his political opinions. Of the *forty-one* names appended to the treaty when it was carried to the War Office last winter, *fifteen* are professedly pagans, and *ten* only are members in communion with the churches; *two* do not, to my knowledge, avow a belief in either paganism or Christianity, *two* are theoretically in favor of the latter, and *twelve* are excommunicated or suspended church members. Of these twelve, seven were subjected to discipline for offences committed previous to the coming of Mr. Gillett, and the remaining five all belong to other reservations, and I do not know the date of their offences; but all were excluded for either drunkenness, licentiousness, or sabbath-breaking. Of the ten church members, five have had complaints brought against them for one or more of the above crimes, but action upon their cases has been deferred, because, since the majority of those who must pass upon them were political opponents, they would be likely to think themselves severely treated on that account.

Again, 2d. It has been industriously represented that the mass of the people were in favor of the treaty, and that only a few pagans showed any hostility against it. Officers of the Government, and men in the service of the United States, are said to have been imposed upon in this way, not only when at Washington, but also when travelling in the vicinity of the Indians; indivduals connected with the purchasing company taking it upon themselves to gather around distinguished strangers and visiters and converse with them, so as to leave the impression that no such thing existed as any serious opposition to the treaty. The actual state of the case is settled by the census, which, I believe, was taken at your request, in order that the truth might be known by the Secretary of War. From that census, it appears that, out of 2,422 Senecas, only 145 are in favor of the treaty; while 2,277 are opposed to it. I have not an official copy of that census, and the numbers may not be perfectly accurate, but the proportion cannot vary much from the truth. Thus, it appears that, after several years of hard labor, the purchasers have been able to induce only about one-seventeenth, or perhaps one-sixteenth, of the population to espouse their cause. If there should be any doubt on this point, a new census might easily be taken, in such a way as to preclude the possibility of deception, or of any serious error. At least fifteen-sixteenths of the people are hostile to the treaty, and the bitterness of that hostility has been for years increasing, with every new aggravation received from the other party. Sometimes the utmost skill and address of their

old men and others have been put in requisition to prevent violence towards those against whom they have been most exasperated.

Again, 3d. Reports have been industriously circulated among the whites, from time to time, that the treaty was ratified; that the President was only delaying its proclamation for political reasons; that the question was decided beyond a doubt; that the President was only waiting for the excitement among the opposition to subside a little, &c.; all tending to make the friends of the Indians regard their case as hopeless, and to excite in the community an anxious expectation of obtaining speedy possession of the Indian lands, and thus to secure the greatest possible amount of white influence in favor of the treaty. The recent visit of the Secretary of War, and the cautious, considerate, dignified course pursued by the Executive, demonstrates the groundlessness of all such reports.

But, 4th. The most injurious and aggravating of all these misrepresentations is that so often urged in public and in private, that the Indians are fast degenerating in their present location; that they are decreasing in numbers; inflexible in refusing to adopt the manners and customs of the whites, and in rejecting the improvements of civilized life; becoming more and more intemperate and degraded, &c.; and must, therefore, be removed in order to preserve them from extinction. Having lived nearly eight years among them, I have had a good opportunity to know the truth on all these points, and I am fully satisfied that, apart from the consequences of the treaty-making process, there is far less intemperance among them than there was seven or eight years ago; a more settled conviction that they must adopt the customs of the whites, and live by agriculture; a far deeper desire for instruction; much more industry and economy; and a much greater willingness to labor. The treaty has, indeed, operated as a great check to improvement. The people have feared to build houses and clear up farms, lest, in a little while, strangers should enter into their labors. The impression has existed in the minds of the pagans, that all the works connected with, and growing out of the treaty, are the legitimate results of education and Christianity, and thus their ancient prejudices have been strengthened; party strife has been carried to an extent so great that the children of the same neighborhood would not attend school together, members of the same church would not commune together, and distrust and jealously have, to a great extent, usurped the place of confidence and esteem. But, notwithstanding all this, the desire for education is increasing; and the chiefs are, at this moment, devising ways and means to unite both pagans and Christans in a vigorous effort to bring all their children under instruction. More provisions have been raised from the soil; improvements have been made in their buildings and in their style of living; and, could the fear of being obliged to leave their possessions be once removed, there can be no reasonable doubt that they would become a thriv-

ing, agricultural people immediately. In some neighborhoods the population has been steadly increasing ever since I knew them. In some years there has been considerable increase in the whole nation. At other times, in peculiarly unhealthy seasons, there has been a small diminution; but the census shows a slight gradual gain for three or four years past. In view of all these facts, there can be no room to doubt that, were their present discouragements removed, they would shortly become an intelligent, flourishing community, prepared, if that were desirable, to become citizens of the State in which they live. This being the case, it seems peculiarly unfair, if not cruel, to excite the prejudices of the whites, and urge their removal on the ground of those very evils produced by the treaty-making operation.

5. If the design of those who had the control of the Seneca annuties, in withholding them from the people, was to prevent the Indians from carrying on any effective opposition to the treaty, that was unfair and wicked. That the annuities were thus withheld while the negotiations were in progress, and that the effect was peculiarly oppressive upon those opposed to these negotiations, every one knows, who knows any thing about Indian affairs for the last three years. The evil was aggravated by the extreme pressure in money matters at that time, and the people found it exceedingly difficult to obtain the means of making known their grievances to the Government. They were obliged to borrow money, in small sums, of their friends on and around all their reservations, and finally failed of getting enough to enable the appointed delegation to proceed to Washington, and consequently some of them remained at home. This was felt to be peculiarly cutting, inasmuch as the small minority in favor of emigration, having funds at their command, were thus enabled to sustain, at Washington, a more numerous and more respectably appearing delegation, than the large majority. They came to me in their trouble, and desired my assistance in borrowing *ten dollars* for that purpose. They also requested me to draw up and copy their remonstrances, *because they could not raise the money necessary for hiring an attorney to do their writing.* An emigration chief complaining of me for assisting them at that time; I replied: "If you should see a man whose tongue had been cut out so that he could not speak, and you knew what he wished to say, would you not speak for him?"—"I see it," said he; "you are right in helping them."

6. If there was collusion between any of the negotiators of the treaty and C. R. Gold, who subsequently acted as attorney for the Indians, and betrayed them, that was unfair and wicked. I saw said Gold with them, acting in their behalf as an opponent to the treaty, at several different times. I saw him drawing writings for them, and heard him giving them advice as their attorney; and, according to my best recollection, in the month of August, A. D.

1838, heard him promise to send certain papers, which he had been preparing for them to the War Office within a specified time—I believe three or four days: and I know that the Indians confided in him as their friend, and suffered themselves to be directed by his advice for several months, and they assert, and I suppose no one denies it, that, for these services thus rendered, they paid him *one thousand dollars*. A large number of affidavits, and in one instance a hundred dollars of bribe money, were put into his hands to be carried to Washington; and he was expected to appear as their attorney before the Committee on Indian Affairs: but it is said to be ascertained, by inquiry at the War Office, that none of the papers which he professed from time to time, during several months, to forward to the Secretary of War, or to the Commissioner of Indian Affairs, ever reached that office; and that by application to Governor Everett, of Massachusetts, the same is found to be true of statements which he professed to have forwarded to that gentleman: while, in respect to the main defence which he was to make for them before the committee of the Senate, the bag which was put into the hands of one of the chiefs in said Gold's office, as containing all the papers prepared for that purpose, was found, after they had proceed some seventy or eighty miles on their journey towards Washington, to contain nothing but old clothes, done up in packages so as to resemble the size and shape of the packages of their papers. Whether there was any collusion between said Gold and those concerned in negotiating the treaty, of course I cannot say. But two or three times during the several months he was acting with the Indians, I saw him in Buffalo, engaged in friendly and cheerful conversation with certain individuals of the purchasing company in such a manner, that the suspicion instantly entered my mind that there was a private understanding between them; but as it was only suspicion at that time, without proof, it seemed prudent to refrain from communicating my fears, till they were confirmed by the conduct above described becoming public.

7. It is acknowledged on all hands, that but a small proportion of the signatures were affixed to the treaty in public council, or with the knowledge of the people. It was only by private and often very secret operations with individuals, that any decent approximation towards the necessary majority of signatures could be obtained. Whether in negotiating a treaty, after all open public means have failed, and the nation treated with has publicly, and as a national act, formally refused its assent, and the public negotiations have been broken off, then this supplementary private operation with individuals, is fair and equitable, I must leave it for men better versed in the usages of nations to determine. But if, as some of those thus privately operated on have asserted, they were shut up alone with those who were urging them to sign, and told that they must not go out till they had done so, or if intimidations, either public or private,

were employed to induce them to sign, none will hesitate to pronounce such means unfair. You will see from several statements under oath, in the various affidavits in your possession, and from the remonstrances forwarded to Washington, and which I think I have heard have been printed and circulated among the Friends throughout the Union, that there is abundant testimony on this point, that, when other motives proved insufficient, appeals were made to their fears, both in public and in private. Not having been present when any such means were used, I cannot speak from personal knowledge, but the papers above referred to, show beyond a doubt, that the chiefs were told in council by the commissioner, that their father the President would punish them if they refused to sign the treaty; that he would take away their annuities, take away the agency established by Government for their benefit, that the laws of the State should be thrown over them, and that they would be compelled to emigrate, even though a minority only should sign, because the Government was bent on removing them; and, therefore, they would find it best to submit, and agree to go peaceably. They show, also, that individuals were usually urged to sign, on the ground that they would at last be compelled to go without a cent in their pockets, while, if they would make a bargain and sell their signatures now in season, they might go with their pockets full of cash, or if they chose, remain at home upon their farms.

8. The well-known attempt to elect three chiefs in a tavern in Buffalo city, in order to obtain a majority by their means, was in direct violation of all law and usage among the Indians, and not only unfair in itself, but rendered doubly so by the effort to conceal the transaction from the people till the treaty should have been by this means ratified at Washington. I believe all the emigration party now admit the invalidity of that transaction, and that the same men were appointed chiefs by them on the 18th of last July; thus plainly showing that in counting the signatures to the amended treaty, at least these three names should be stricken off, as the men were nothing but common warriors at the time they signed. It is worthy of notice, also, in respect to the Cayuga treaty, that Mr. Gillett is represented as having stated before the Committee of Indian Affairs, last winter, that all the signatures were genuine, and the signatures of authorized chiefs. You will see from the Cayuga affidavits, that only one of them was a chief. You will also recollect that when you were at the council at Cattaraugus, Thomas Crow, the organ of the emigration party among the Cayugas, confessed the truth to the Secretary of War, by saying that last winter, *one chief, and a few of the warriors signed the treaty.* It is said, moreover, that several of these same warriors have since been appointed chiefs by their own party, thus demonstrating that, even in their own view, they were not chiefs at the time they signed the treaty.

9. Perhaps it may be proper to name, among the unfair means, the constant effort to conceal all the operations of the treaty-making party from the mass of the people, and from the chiefs opposed to emigration. The fact that such an effort was made, probably, no one will undertake to deny. Mr. Gillett himself would not allow me to see the signatures to the amended treaty, without an assurance that I would not divulge them to the people. Some of those who signed in secret, have stated that they were previously assured that their names should never be known. If they were thus deluded, while every person concerned in obtaining their signatures could not but know that the papers in the War Office are equally accessible to the friends and the enemies of the treaty, this was also unfair.

But it is time to leave this branch of the subject, and speak of what will come under the denomination of *corrupt* means, as you have styled them in your note.

1. Many individuals have been bribed by the offer of large sums of money, and the lease of their farms during life. In some instances they were offered deeds of considerable tracts of land, sufficient to enrich them and their families, if they would sign the treaty. You have, I suppose, so much evidence on this point, that it will be useless for me to enlarge upon it. These offers may be by some regarded in the light of honorable presents to chiefs of distinction, as has been usual in former Indian treaties. That this is not the fact, will appear from the consideration that honorable presents from the Government are made openly as presents; but these secretly, and on the ground of stipulations for the signature of the individual. Besides, the price offered has, in one case at least, come up to the enormous sum of ten thousand dollars, and in several cases to five or six thousand; while some were told, that whatever sum they might demand should be paid them if they would sign. Moreover, in their amendments, the Senate struck out entirely the article appended to the treaty, making provision for presents to certain chiefs; and it is said that the purchasing company offered to pay those chiefs all the sums they struck out, in addition to their other stipulations, if they would still come forward and sign the amended treaty. The contracts of Gordon and Bennett will throw light on this subject. But a further consideration is, that these sums are to be paid by the pre-emptive company, and not by the Government, with the express provision that the individual should sign, and, in very many cases, that he should remain at home upon his farm, while the poor, and those too virtuous to sell their names, should be compelled to emigrate. This is said to be the case with most of the removal party. They are expected not to remove at all, while their opponents will be constrained against their will to go beyond the Mississippi, in consequence of these men selling their names to the company. I have myself seen contracts, and certified copies of contracts, in which nearly *twenty thousand*

dollars, besides the lease of several hundred acres of land, part for the term of ten years, and part during the life of the lessee, were promised to eight individuals, and yet not more than three of these eight were chiefs of a high grade.

2. You will see from many affidavits, that intoxicating liquors were used in some instances, and were attempted to be used in many, to deprive chiefs of their senses, and thus lead them to do what they could not be prevailed upon to do in the sober exercise of reason.

3. It is said, also, that one (if not more) of the chiefs made oath before the Committee of Indian Affairs, that all the men who signed the amended treaty were regularly authorized chiefs of the Seneca nation; and that *seventeen* of those who signed the remonstrance were not chiefs, and had no authority to act in behalf of the people. If he did make such an oath, he swore falsely in both particulars, as may be seen by reference to the affidavits on the subject of chiefs, already in the hands of the Secretary of War.

4. It will be seen, by the affidavits of Mark Charles, George Kenjokety, (or Sqandinhgevadit,) Jack Berry, and I believe two or three others, that if, as is reported, their names are appended to the assent, it was a downright forgery. In respect to Jack Berry, it ought to be stated, that his name was professedly obtained last year; that Jack appeared to be very angry at the report, and was continually denouncing the treaty, and all concerned in making it, as long as he was able to get out. In his last sickness, he was confined only two or three weeks, and he died, I believe, on the third of July; on the fifth day of July, an obituary notice, prepared by an emigration man, appeared in the Commercial Advertiser, in which it is said, that one of the last acts of Jack Berry was to sign the treaty, and exhort his people to promote their interests by removing beyond the Mississippi, or words to that effect. Now, if this is true at all, it must relate to what took place during his last illness, as he was violent in his opposition till that time; but if it be true, it is tantamount to a confession, that his pretended signature last year was, as he stated in his affidavit, a forgery. Perhaps there may be some explanation which will place the matter in a different light, and I only name it, therefore, as something worthy of investigation, if you can have an opportunity previous to the action of the President. In respect to the others, it has been suggested that the commissioner and General Dearborn may have been deceived by some one personating the chief whose signature was sought, so as to make these gentlemen, being strangers to the Indians, believe the signature genuine. Such a deception would be especially easy in those cases where the signing was done by an attorney, and the affidavit of John, or as he is sometimes called James, or Henry Hudson, will explain the manner of doing such things. By referring to that affidavit, you will see that said Hudson was offered a

certain sum by one of the company's runners, if he would go and induce one Joseph Dudley to affix the name of Adam Doxtator to a paper empowering some person to sign the amended treaty, as his attorney, and then to subscribe himself as a witness that the signature was genuine. From the affidavits of John Snow and several others, it will be seen that the commissioner was not ignorant of the means employed; but, on the contrary, himself, in some instances, took part in using them. Another affidavit, deserving particular attention, is that of William Cass, which exhibits some of the expedients resorted to when other means proved ineffectual. I have just been informed that one of the most active of the emigration chiefs has stated that one of the principal chiefs, a sachem, who had a seat in the council of the Six Nations, was made drunk; and while he still refused to sign, the persons present crowded around him, and got him earnestly engaged in dispute with one who stood before him, and then one drew back his arm, took the pen, and slipped it between his fingers, and held them upon it, while his mark was made upon the treaty, without his noticing what was done, on account of being so much intoxicated, and so warmly engaged in the conversation with the person before him; and then the next day, when he was somewhat sober, they told him that he had signed the treaty, and now there was no help for him, only in falling in with them, and urging it forward with all his strength, and he at last yielded, and consented to do so. The person who gave me this information, states that, if you deem it important, the affidavit of Samuel Gordon can be procured, testifying that this is known, and acknowledged among the emigration party, to be the way in which the signature referred to was obtained; and he can probably procure for you the testimony of eye witnesses.

The next point in your note has respect to the question whether any, whose duty it was to protect the Indians, were concerned in using any of the above-detailed means.

It may be supposed that the Government agent is bound to see them protected, and especially to see that they are regularly paid their annuities at the appointed time. You will see, from the pamphlet of Mr. Heacock, which has been forwarded you, that his course in relation to their money matters has already subjected him to a complaint before the grand jury of Erie county, and from that pamphlet, and from the persons who composed that jury, you will be able to learn something of his delinquencies, so far as they have a bearing upon the point at issue. In respect to the treaty question, I am well acquainted with the fact that for three or four years past he has taken the part of the purchasing company; while, on the other hand, he did warmly oppose the emigration policy, when Mr. Schermerhorn was trying to negotiate a treaty. He once expressed his views to me very freely, in opposition to Mr. Schermerhorn's proceedings. In the councils of the chiefs, he also, at that time, threw all his in-

fluence against the treaty; and several times convened chiefs at his house, to concert measures for opposing it. But suddenly he changed his course, and has since been very active in endeavoring to obtain signatures, by what means you will learn by the various affidavits in your hands and at the War Office in Washington. His motive in doing so I know not, unless the fact that his creditors and sureties are expecting large sums of money from him as soon as the treaty shall be ratified, may be thought by some to throw light upon it. His regular salary as Government agent, none will suppose depends upon the ratification of the treaty. He was also present at a council held by the emigration party, on the 18th of July last, for the purpose of electing chiefs, in a manner contrary to all the laws and usages of the Six Nations, evidently aiding and abetting that transaction; but as I know not whether it is sought to affect the fate of the treaty by that election, I cannot tell whether that fact will be of any avail, except as illustrating his manner of trampling upon the rights of the people.

Thus, gentlemen, I have endeavored to give you a plain statement of such things as come within the scope of your inquiries. As I said in the outset, my sole object is to cause the truth to be known by those officers of the Government on whom rests the responsibility of deciding the important question at issue; and I am happy in being able cordially to unite with you in your expressions of confidence that they will deal justly and honorably with the Indians as soon as they become acquainted with these facts. I have complied with your request on the ground that you were desired by the Presiden to obtain this information: and I wish you to use my statements only for the purpose of satisfying his mind; and I must be particular in requesting you not to publish them on my responsibility, to the injury of any person's property or reputation. Not that I have any doubt of their correctness in every particular, but because I deem it always important to refrain from unnecessarily exposing to injury or opprobrium those even whose conduct might not allow them to hope for any better treatment. For this reason I have also avoided naming individuals in every case where it did not seem indispensable. My object has been to exhibit the means used, and not the persons using them; the former, I regret, as I believe every good man must; the latter, I regard as fellow-travellers to eternity, and trust I feel an unfeigned desire for their welfare in both worlds; and it is my sincere prayer, that, whatever may have been their past course, they may be enabled in future to seek and obtain the consciousness and the rewards of virtue. Neither would I wish to be regarded as an enemy of the treaty on any other grounds than the means used to effect it. I believe those means have, in reality, constituted its chief hinderance; they have aroused the jealousies and the prejudices of the people, and furnished their chief arguments for strengthening each other in their opposition; they have

furnished, also, their chief grounds of hope; for, prejudiced as the Indians are, on account of such things, against the whites, they have still so much confidence in the integrity and honor of the President, that they will not believe he will sanction the use of such means, notwithstanding the oft-repeated assertions of commissioners and agents that it is the policy of the Government, and, therefore, right or wrong, the treaty must be ratified; they think these men traduce the Government; they cannot but believe that when the truth is known, it will treat them fairly and honorably; they cannot see any motive to induce the Government to expend the contemplated great amount without any hope of equivalent, merely for the sake of carrying out its policy, when it is known that after all that has been done, instead of regarding it as an act of kindness, fifteen-sixteenths of the Indians would deplore it as one of the sorest calamities; and whatever may be thought of the wisdom or the folly of their course, they do not believe that either the Government, or the popular voice throughout the nation, will require them to lay aside the right of private judgment in regard to their own interests; they think, as a nation, we are too magnanimous to do this, and on these grounds they cherish strong hopes that the treaty will be rejected.

Allow me, gentlemen, to add in conclusion, that I can very cheerfully commit their cause, under God, to the justice and magnanimity of the President.

With much respect, your obedient servant,

ASHER WRIGHT.

P. S.—You will confer a favor by communicating to me the earliest intelligence of the result. Mr. Heacock desires me to mention that, by a mistake of the printers, the date of some of the affidavits in his pamphlet was changed from January to July.

This communication should have been forwarded from Troy about the 10th or 12th of last month, but it occurred to me that several matters of importance, which required further investigation, had been omitted, and therefore I took the liberty, notwithstanding what I wrote on the subject, to retain it till my return; since which time it has been hastened as fast as practicable, under existing circumstances, although I am fully sensible that the delay may seem inexcusable. According to your suggestion, I have preserved copies; and would thank you, if you receive this in due time, to drop a notice of it into the post office. I hope it may not be too late to prove useful.

Your friend,

A. WRIGHT.

Buffalo, October 7, 1839.

[No. 12.]

MEMORIAL OF CHIEFS TO THE PRESIDENT OF THE UNITED STATES.

To his excellency Martin Van Buren, President of the United States, and through him to the honorable Senate:

The memorial of the chiefs and sachems of the Seneca nation of Indians,

RESPECTFULLY SHOWETH:

That your memorialists and their predecessors have always acted in the capacity of a legislative council; and have had the control and management of all the lands belonging to the Seneca nation; and have held frequent councils with the commissioner, minister, or plenipotentiary of the United States to our nation; and have sold to the people of the United States all our lands in the State of New York, with the exception of a few small reservations, upon which we now reside.

Our object is respectfully to present to your consideration our objections to the confirmation of the treaty, and to show you some of the practices resorted to to obtain the signatures of our chiefs to the assent to the Senate's amendments.

We are opposed to the confirmation of the treaty, because—

1. We wish, as is natural, to live and die in our native land. But a small portion of it is now in our possession, yet we hold it as our birthright, dear to us as our country can be; we claim the privilege, by the pledged faith and honor of the people of the United States, that we should be protected—to live where our fathers lived, and lay our bones with theirs; and we solemnly declare that our attachment to this country is so great, that nothing but the strong arm of Government shall ever force us to the conditions of the treaty said to be obtained, and thus deprive us of our homes.

2. We have, from necessity, abandoned our former mode of living by hunting, and are now established as communities upon our several reservations, with our churches, school-houses, &c., and are rapidly becoming an agricultural and civilized people.

3. The climate of the country to which it is proposed we should emigrate is unsuited to us, and we fear that our people would not be healthy.

4. We dislike to be brought in contact with the warlike nations that live near the land offered to us by Government; and although we should have confidence in the protection Government might afford us, still we should be much more exposed then at present.

5. The country which Government offers us we do not think is well timbered; and the proposition of Government to supply us with

sufficient timber is too difficult to be executed satisfactorily either to the Government or to us.

6. Our nation, by a very large majority, as appears by the official canvass presented to the Secretary of War at Cattaraugus, last summer, is strenuously opposed to emigration. By that canvass, only 222 out of the whole nation, amounting to 3,411, were in favor of emigration. We conceive it manifestly transcending our powers as chiefs to act in direct contravention of the wishes of the warriors and nation, so often and strongly expressed as they have been on the subject of our removal.

The above reasons, though they may appear trivial to some, are of importance to us. Feelings of attachment to our homes, to our country, and the country of our fathers—to their graves, to their council fires, and all the innumerable sympathies that gather around the heart of any lover of his country, are *ours* as well as the white man's, though we fear that many who think the Indian but a mere savage would deny us them.

We proceed to state some of the measures and practices resorted to in attempting to obtain the names of our chiefs to the assent to the Senate's amendments.

1. The commissioner of the United States, after having publicly declared, in the opening of the council, that the signatures should be obtained in open council, as directed by the Senate, and in conformity with the established usage of our nation, changed his course, and pretended that it was not necessary that the signatures should be obtained in open council; thus opening a wide door for fraud in obtaining names. He has often threatened, that if a minority only agreed to go, the President and Government would withdraw their protection from us; that the payment of annuities should be made at the west; and other threats of a like character, which were dealt out as occasion required. He also prolonged the council day after day, against our repeated remonstrances, and after we had urged him again and again to bring forward his papers, and permit us to give our assent or dissent to the amendments. Notwithstanding we told him our crops were rotting in the ground, and that he was detaining us from the pursuits upon which we depended for subsistence, he would appoint and adjourn the council at such hours that the length of each day's session was generally about one or two hours. He did this, that the agents and emissaries of the company trying to effect a purchase might have opportunity to practise upon our chiefs by bribery, perjury, and the other means detailed below.

2. The Government agent, Mr. James Stryker, placed here, as we have supposed, to protect our interests, has engaged in unfair and corrupt means to obtain signatures. Bribes have been offered by him to chiefs, to induce them to sign; in proof of which, we refer to the affidavits of Samuel Wilson, dated 7th February, 1839; of Major Jack Berry, dated 7th July, 1839; of William Jones, dated

7th February, 1839; and of Sky Carrier, dated 7th February, 1839. He has attempted to make some of the chiefs sign, by defaming the chiefs in the opposition, and made threats that were not suitable as a protector, as will appear by reference to the last named affidavits, and many others, all of which are in the hands of the War Department. He was also present at a mock election held at his house in Buffalo, of Charles F. Pierce, Charles Greybeard, and John Hutcheson, as appears by the affidavit of Samuel Gordon; and afterwards represented them to the commissioner as chiefs entitled to due consideration, and procured their names to be put on the assent to the Senate's amendments; for proof of which, we beg leave to refer to the above named affidavit of Samuel Gordon.

3. We are informed, and believe, that a sub-company has been employed by the Ogden Company, for a large sum, ($100,000 it is confidently asserted, above expenses,) to obtain a treaty for the sale of our lands. This sub-company, as we shall show, have been guilty of almost every kind of corruption in trying to obtain names. (See affidavits now in the War Office.)

4. We know, and therefore positively assert, that numbers of white men and Indians, in some of whom we before placed confidence, have been employed by this last named company to try to effect a treaty. The most constant efforts have been made by them—forcing themselves upon us at our homes, until we were compelled to turn them from our doors—waking us from sleep at night—besieging us by the way, as we were engaged in our ordinary pursuits, until it absolutely became a burden to us—chasing us down when we attempted to escape, and thus forcing some of us to stay away from our homes as the only way to escape their persecutions—threats and promises being used liberally and as occasion required: for proof of which, we refer to affidavits in the hands of the War Department, and in particular to those of Little Joe, dated 7th February, 1839; of David White, of the same date; of Mark Charles, dated 31st August, 1839; and of John Tall Chief, dated the 7th February, 1839. We also refer to the affidavits of Samuel Gordon, dated December 10, 1839; of Major Jack Berry, dated 7th February, 1830; of George Lindsley, dated 7th February, 1839.

5. Bribes, as the affidavits before mentioned will show, have been offered, varying from five hundred to ten thousand dollars, to individual chiefs, to induce them to sign. Life leases, and deeds of pieces of land, have also been offered. By some of the chiefs these offers have been accepted, and we believe that no chief has signed the assent to the Senate's amendments except under the influence of bribes; and we know that the great majority of those signing were bought, for they avow it in many instances.

6. Signatures have been received at the commissioner's room, and at any convenient place, instead of in open council, as our cus-

tom demands, and as the United States Senate provided. It is obvious that a treaty might be effected by a few corrupt men in this way, without even the formality of an appeal to the council. We may be sold out at any time by a few chiefs and warriors wicked enough to swear falsely. For proof of the above fact, see report of United States commissioner, printed in documents for the Senate's committee.

7. Advantage has been taken of the habit of drunkenness, into which some of our chiefs have unfortunately fallen. We beg leave to refer to the affidavits of Sky Carrier and John General, dated February 7, 1839; and the affidavits of Samuel Gordon and George Kenjuquide, dated December, 1839.

8. Perjury and forgery have been resorted to: see affidavit of John Hudson, dated August 31, 1839; and of document A, No. 6, No. 7, No. 8, and No. 10; and, also, affidavits sent to the Secretary of War, in August last.

9. Misrepresentations have been made of our wishes and feelings as a nation, in relation to emigration. The number of those in favor of emigration is magnified, and their influence and worth exaggerated; while the opposition, though an overwhelming majority, have been represented as about equal in numbers to the emigration party. See the report of Hon. R. H. Gillett, and the census given to the Secretary, at Cattaraugus, in the council last summer.

10. The public papers have been closed against us for two or three years; we know it, because a communication sent to the papers in Buffalo was rejected, and we afterwards learned it was by the influence of one in the service of the purchasing company; and the truth is, this rich company seemed to have taken every possible way of preventing their wicked practices from coming to light.

11. False interpretations have been given to papers given our chiefs to sign. See the affidavit of John Seneca, sent to Washington last winter.

12. Many signatures which have been made to the amendments are not claimed to have been made in open council. But it is only in council that a chief has more power than any private warrior, and his acts out of council do not bind the nation. See the report of R. H. Gillett.

13. After the commissioner had held the council about two weeks, we consulted among ourselves, *at his request;* and the result was, we met him with the report that sixteen were in favor of the assent to the amendments, and sixty-four opposed. After urging, as before stated, the commissioner day after day for about four weeks, he finally laid his papers before us. The powers of the commissioner on the part of the United States expired when he received our assent or dissent to the Senate's amendments, excepting so far as to report the fact; which was sixteen in favor, and

sixty-four against the assent to the amendments, being as 1 to 4. *All* signatures obtained afterwards were only the signatures of individuals, and are not valid. See the report of H. A. S. Dearborn, superintendent for Massachusetts.

14. Names of chiefs are found signed to the assent, who depose that they never signed or authorized any person in any way to sign the assent for them. Refer to the affidavit of Sky Carrier and others, dated 31st August, 1839; and document A, No. 10; and, also, affidavits of Major Jack Berry, dated 7th day of February, 1839; and George Lindsley, dated February 7, 1839, at Washington.

15. Jim Jonas, and Reuben Pierce, who are only *runners* of the emigration party, have signed the assent as chiefs, and others have signed both as warriors and chiefs.

16. We would particularly call your attention to the affidavits of Samuel Gordon and S. G. Heacock, (marked 5 and 9,) in relation to Charles F. Pierce, Charles Graybeard, and John Hutcheson, being elected chiefs at a meeting held at the house of Mr. Stryker, in Buffalo. We solemnly protest against this whole procedure. We do it, believing it involves our very existence as a nation. If a few individuals can convene, and without notice make chiefs, our proceedings, in the whole case, are a mere farce. A treaty might be made without consulting the council or the nation at all. The established customs of the nation were entirely disregarded; the persons declared to be elected were not acknowledged by the tribe, and never have been since; they claim the privileges of chiefs *only that they might sign* the treaty; they do not sit in the general council, nor do they claim to; the Onondagas have never elected them as is indispensably necessary to constitute them chiefs, and we never shall acknowledge them as such. By the affidavit of Samuel Gordon, it will be seen that John Gordon, whose name is affixed to the assent, has the same claim with the above. We beg of you not to deprive us of our homes by the signatures of these pretended chiefs; if you do, we can only say it is done by violence: we are weak in comparison to you, but we think this should give us a stronger claim to your protection. We should be forced away as really as if it were done at the point of the bayonet.

17. The chiefs who have signed the assent do not intend to emigrate; they have contracts for deeds or life leases of property here, from the purchasing company, which will enable them to stay; or, if they should go west, they will return. Shall we be sold out and compelled to go to the west, while the authors of the fraud remain peaceably at their homes?

18. Our annuities have been withheld, and the nation crippled in its means of opposing the effecting a treaty, which they almost unanimously reject. We would not charge the Government with a

design to do this, but we think the agents have not done their duty. Refer to affidavit of Seneca White, and twenty-four other chiefs, dated 31st August, 1839, and now at the War Office.

19. Our attorney, C. R. Gold, to whom we paid above $1,000, has proved treacherous to us. Duplicates of our papers which he said he had mailed for Washington, and to the Governor of Massachusetts, have never reached their destination; and all our papers suddenly disappeared, as will appear in the affidavits of Daniel Two Guns and John Kennedy, jr., dated August 1, 1839, and S. G. Heacock's affidavit, dated September 13, 1839; and we have no doubt that he sold them to those trying to effect a treaty, as we know by the affidavits of some of them, that papers, which he as our attorney should have kept secret, were seen by them; and he was seen in friendly conversation with the agent of the Ogden Company about the time it was discovered the papers were lost, as will appear by the above affidavits.

20. The movements and doings of the party in favor of emigration, and of those attempting to get a treaty, were concealed from the people; affidavits in the hands of the War Department show the low, mean, and wicked attempts to which they resorted.

We have laid our wrongs before you. We think that, by a reference to the documents referred to, it will be seen that the statements are not too highly colored.

And, finally, we have been defrauded in so many ways, and in so gross and palpable a manner, that we come with confident expectation to your excellency and the honorable Senate of the United States for a redress of our wrongs, and plead for a careful examination of the whole subject. We wish it, however, to be distinctly understood, that we are willing to deal fairly and honorably with all who desire to emigrate: we will give them their full share of our national property, if they wish it, and let them emigrate whithersoever they may choose; but we wish, also, to be as fairly and honorably dealt by ourselves in return. We trust to your wisdom in sustaining the rights of our nation, now weak and in poverty, but no less your friends and allies than when we were powerful, and received your fathers and gave them a place with us to plant their corn and build their huts. You have prospered and increased in numbers and in wealth, by the protection of the Great Spirit, who watches alike over the destinies of the red man and the white. We hope and trust that we shall not be driven by force and against our wishes from our peaceable psssessions. We ask to be permitted to remain, and live and die on the ground given us by God, and bequeathed by our fathers; and may the Great Spirit make you a great, a just, and a happy nation.

Buffalo Creek Reservation, *December* 10, 1839.

Chiefs elected July 17, 1839.

Joseph Silverheels, sachem		Seneca White, sachem	
Daniel Spring	x	Daniel Two Guns, sachem	
Tom Hemlock	x	Mark Charles, sachem	
Owen Blacksnake	x	Gov. Black Snake, chief warrior	x
Peter White		Jacob Blacksnake	x
Jacob Shongo	x	Tunis Halftown	
Jonah Armstrong	x	John Hudson, sachem	
Jacob Johnson	x	John Luke, sachem	x
George Greenblanket	x	John Pierce	x
John Dickie	x	William Patterson	x
Samuel Segure		Jimmy Johnson	x
John Joshua	x	Blue Sky	x
Abram Johnny John	x	Black Chief	x
Isaac Johnny John	x	Adam Doxtator	x
Jack Doxtator, by his father	x	Henry Two Guns	
John Kennedy, jr.		Young Chief	x
John Baldwin, jr.	x	George Dennis	x
by Jack Johnny John		Robert Watt	x
George Turkey		John Sky	x
Abram John	x	Samuel Parker	x
Isaac Shanks	x	Johnny John	x
James Spring	x	George Washington	x
John Mitten	x	James Williams	x
John Cook	x	Samuel Wilson	x
David Snow	x	John Tall Chief	x
John Kennedy	x	George Kenjockety	x
Israel Jemison	x	Isaac Halftown	x
James Shongo	x	Jack Johnny John	x
George Deer	x	George Killbuck	x
John General	x	David White, by his father,	
Samuel Gordon	x	Levi Halftown, by Saml. Gordon	x
John Bark	x	Morris Halftown	x
Joseph Snow	x	by Israel Jemison	
William Cass		John Dennis	x
George Silverheels	x	by his brother George	
Lewis Poudry	x	Oliver Silverheels	x
Jacob Bennet	x	Jesse Spring	x
by Henry Two Guns		John Greenblanket	x
		John Big Fire	x
		Blacksmith	x
		William Crouse	x
		by his attorney Tall Chief.	

Buffalo, *December* 10, 1839.

I hereby certify that I am acquainted with all the persons named in this memorial; that I know them to be acting chiefs of the Seneca nation, and that I saw them affix their marks and signatures to the same, after the same had been read by me and explained through the interpreter, Wm. Jones.

SETH G. HEACOCK.

Maris B. Pierce, *January* 23, 1840.

Washington, *First month* 30, 1840.

Esteemed Friend—I this afternoon received the enclosed pa-

pers, by mail. I send them, that they may go with those already in thy hands to the Senate. With respect, &c.

G. M. COOPER.

J. R. POINSETT.

[No. 13.]

LETTER TO GOVERNOR EVERETT.

COMMONWEALTH OF MASSACHUSETTS,
Executive Department, Boston, January 16, 1840.

SIR: I have the honor herewith to transmit to you a copy of a letter lately received by me from one of the chiefs of the Seneca tribe of Indians, in the State of New York, written on behalf of that portion of the tribe opposed to the treaty of Buffalo; and I beg leave to request that you will communicate it to the Senate of the United States, for their information.

I am, sir, with great respect, your obedient servant,

EDWARD EVERETT.

His Excellency M. VAN BUREN,
President of the United States.

BUFFALO CREEK RESERVATION,
December 18, 1839.

SIR: At the request of the council which has been held on this reservation by the Senecas, chief warriors, sachems, and war chiefs, we shall attempt to point out to you some of the mistakes into which General Dearborn has been led, by those with whom (from the necessities of the case) he associated while holding council with us.

The mistakes are made (for the most part) in his statements as to who and what are the officers of our nation. He says in his letter dated January 2, 1839, that "there are eight great sachems of the tribe, &c., and that six of them have signed the treaty." If he means the assent, (and we suppose he does,) he is mistaken, for but one of the great sachems has signed the assent, viz: Little Johnson; and he, with the other six, (one being dead,) all signed the dissent. Their names are Daniel Two Guns, John Luke, Seneca White, and *one deceased*, in one division of clans, and George Lindsey, Mark Charles, Little Johnson, and John Hudson, in the other division of clans, (there being a balance of power in the nation maintained by the two divisions referred to.) To these are added the two chief warriors, Governors, Black Snake, of one division, and Morris B. Pierce, as attorney for William Jones, jr., of the other division. The above are all officers of the Six Nations confederacy as well as of the Seneca nation. There were also twenty-one sachems (living at the date of General Dearborn's letter) of the Seneca nation, who were not officers of the confederacy. General Dearborn has named

five of these as the great chiefs of the nation. You see he has been misinformed.

The facts are these, that of the nine living officers of the Six Nations, *i. e.*, great chiefs, one only signed; of the twenty-one sachems of the Six Nations, five only signed the assent; and all of the thirty head chiefs signed the dissent in General Dearborn's presence, except four.

General Dearborn also says that the sachems in council have a right to elect chiefs and declare war; he is mistaken, such a thing was never heard of in our nation, and he has been so instructed that he should make this mistake, so that the purchasing company might make use of it as an endorsement of the election of those men to chieftainship, done at Judge Stryker's house, (*whose names are affixed to the assent as chiefs,*) and the first that the nation knew any thing of their being chiefs, was finding their names attached to the assent. These men do not claim themselves to be chiefs, but say that the agent and Mr. Gillett "recognised them as such only to sign their assent to the Senate's amendments." If you will look at the Senate's documents you will see letters in relation to these men, which, when taken in connexion with General Dearborn's view of the election of chiefs, would make them chiefs of our nation.

We do not suppose that Mr. Dearborn intended any thing wrong in expressing his opinion in relation to us, for we think him our friend; but you see, so far as his opinion goes here, it does hurt us. These men are not chiefs, do not claim to be chiefs themselves, and are not acknowledged as such by the nation.

We want you to inquire of some of the old men who have held treaties with us, and ask them whether the chiefs have the power to sell the lands of the nation without first getting the consent of the warriors and women.

As in the declaration of war, so in matters relative to our lands, the chiefs can do nothing, unless the power has been specially delegated to them for the purpose, at the time. The sales which have heretofore been made, have, without a single instance, been made in the following manner, viz: The question was first discussed by the chiefs, if they thought best to sell, then the question was put to the warriors and women, who, through their speakers,* gave their opinion to the council, if they thought best to sell, then the chiefs appointed a speaker to say to the commissioner that the papers might be presented, as they had concluded to sell. The deed was then signed by as many as were chosen for that purpose, sometimes more and sometimes less. This you will see explains why to some of the deeds there is not a majority of the signatures of chiefs.

*There is a chief whose name is the "*Speaker for the women.*"

This deed is the first one to which there was ever affixed one signature before the nation (warriors and women) had given their consent to the sale; in this case it was never asked, because a majority of chiefs never in council agreed to sell. The voice of the nation is as eight or nine to one against sale and removal. Now, will you, as our *protector*, allow us to be sold out against all former usage and law; and with the consent of only one of nine or ten, all of whom are equally interested; and all of whom have equal right and property in the land to be sold? and especially, too, when, according to their own admissions, there are but a majority of two signatures to the assent. And we say six of those are not chiefs; and General Dearborn says, in his letter, that he did not see six signatures put to the assent by the persons themselves, and he has not witnessed the signature of one more; making seven signatures to the assent of which he does not know, in the first place, whether the individual were free in giving the "powers of attorney." 2d. Whether they knew what they were signing when they made their marks to the same; and, 3d. Whether their names were not forged to the powers of attorney, as every individual directly swears is the fact.

We ask you, as our protector, not to allow the names of Major Jack Berry, John General, Samuel Wilson, John Barks, Sky Carrier, John Tall Chief, and George Kensaquida, as assenting to the amendments, for Mr. Dearborn does not claim to have seen them sign themselves, but, says they were not present when their signatures were affixed to the assent, and they all swear that they never signed any paper, (which was interpreted as giving their assent to the amendments,) and that if their names are affixed to a power of attorney, the same is a forgery.

There is one more view of the case, and we have done. It is this: Forty-eight signatures of those whose chieftainship is undisputed, signed a formal and regular dissent on the day when the assent was presented, and sent a copy of it to you, but Mr. Gold, (we are informed,) never mailed it. Eleven of this number, it is said, afterward signed the assent, and afterward nine of these eleven made out their formal dissent again, and sent it to Washington.

We say that the question was decided when the signatures were given to the assent and dissent in open council, on the 28th of September, 1838. The result would then be, allowing that the emigration party are right, (as to who are chiefs, and also as to the number of chiefs, 81,) 81—48=33, a majority of fifteen rejecting the amendments and the treaty.

But give the emigration what they ask, viz: that the signature to the assent destroyed the validity of the one previously given to the dissent, then we say that the dissent which was made out and sent to Washington last winter, and to which the names of this forty-

eight, save one, (Little Johnson,) were attached, destroyed the validity of the signatures afterward given to the assent.

Bear a little longer and we will state a case: On the 28th of September 1838, William Cass signed the dissent in open council; it is said that, in December following, he signed the assent, at the Indian Tavern: in February following, he, with others, sent to Washington his dissent. Now, we say if his assent at the Tavern, in December, destroyed his dissent, made in September, in council, then certainly his dissent, made in February, destroyed his assent at the Tavern, made in December prior.

Turn the case about: Suppose upon the day that Mr. Gillett presented his assent, that he had received forty-eight signatures of acknowledged chiefs, undisputed by either party, and the dissent had been signed by only fourteen whose chieftainship was undisputed; and then suppose that we had gone about getting the dissent of chiefs in the same manner that the commissioner did the assent, would the Government hear us one moment? Would they not tell us, and justly too, your decision was given in open council on the 28th September, 1838, and all that you have done since is informal and not binding upon the Seneca nation? We think so.

We will now tell you how the case stands, and we ask you to look at the facts, and you will find them so. There were in October and November, 1838, 91 living chiefs in the Seneca nation, 28 of whom General Dearborn saw sign the assent; one, John Snow, he says he did not see sign; six he says signed by power of attorney, and were not present when their signatures were affixed to the assent; and one, George Kensaquida's signature, was affixed at Washington, which Mr. Dearborn did not witness: and there are also six signatures which are to the assent, and the number of warriors and not chiefs, $28+1+6+1+6=42$, the number claimed by Mr. Gillett; take away the last 6, (who are not chiefs,) and we have 36 signatures of chiefs only to the assent, seven of whom he did not witness, and six of the signatures do not profess to have been made by the persons themselves, and we have $91-36=55$, a majority of 19, allowing the six who, it is said, signed powers of attorney; deny these, and we have $91-30=61$, a majority of 31 against removal.

We say again, we believe General Dearborn to be a good man, but he is deceived, and we come and ask you to investigate this matter, and not let us be driven off from our possessions, in the peaceable occupancy of which you have so long protected us. We come to you as our last hope. We want you to remember that we are not savages, but are rapidly getting to be an agricultural people. Don't forget us, but stand by us; and may the God of the white and the red man recompense you abundantly with his favor.

My friends, the chiefs and sachems of the Seneca nation, by

Z. L. JIMESON, *Secretary of Council.*

His Excellency EDWARD EVERETT, *Governor of Massachusetts.*

BRIBERY CONTRACTS.

[No. 15]

Articles of agreement made and concluded this 7th day of August, 1837, between Heman B. Potter, of the city of Buffalo, of the first part, and Samuel Gordon, a Seneca Indian, of the Cattaraugus reservation, in the county of Erie, of the second part.

Whereas, in conformity with the declared policy of the Government of the United States, the proprietors of the pre-emptive title of and in the four several tracts of land reserved by the Seneca tribe of Indians, within the said State of New York, are desirous to induce the abovementioned tribe of Indians to accept for their future and permanent residence, a tract of country in the territory west of the river Mississippi, appropriated for Indians inhabiting the Atlantic and other neighboring States, and are also desirous by fair purchase, to extinguish the right of the said Indians in and to the lands in this State, so reserved by them :

And whereas, in furtherance of these objects, and in order to a future treaty by which to effect the same, the said proprietors have authorized negociations to be opened with the chiefs and other leading men of the said tribe of Indians, and certain offers to be made to them in money, as a permanent fund for the nation and a compensation for their improvements, and have also deemed it advisable, and necessary to employ the aid, co-operation and services of certain individuals who are able to influence the said Indians to accept of the offers so to be made to them:

And whereas, the said Heman B. Potter, the party of the first part, is empowered to act on behalf of the said proprietors, and to contract with any individuals whose co-operation and agency may be necessary and efficient in accomplishing the abovementioned object, and the said Samuel Gordon, the party of the second part, has agreed to contribute his influence and services in the premises :

Now, therefore, it is mutally agreed by and between the parties hereto, as follows :

First. The party of the second part undertakes and agrees to use his best exertions and endeavors to dispose and induce the said Indians to adopt and pursue the advice and recommendation of the Government of the United States in respect to their removal and future location ; and on such fair terms as the party of the first part and his associates, in the name of the said proprietors, shall propose, to sell and release by treaty, their said reserved lands, and on all occasions to co-operate with and aid the said party of the first part and his associates, as he may be from time to time advised, in talks and negotiations with the chiefs and other influential men of the said tribe ; and in the active application of his whole influence at councils and confidential interviews, for the purpose of effecting a treaty between the said tribe and the said proprietors, for the extinguishment of the Indian title to the said reserved lands.

Second. In consideration of such efforts, co-operations, and services, on the part of the said Samuel Gordon, faithfully bestowed in the premises, the said Heman B. Potter, on his part and that of his associates, agrees to pay or cause to be paid to the said Samuel Gordon, the sum of five thousand dollars, within three months after notice of the ratification by the Senate of the United States, of a valid treaty between the said tribe and the owners of the said pre-emptive title or their trustees, by which the right and title of the said Indians shall be effectually released and extinguished in and to the said reserved lands.

This agreement on the part of said party of the first part, being expressly dependant upon the treaty to be made and ratified upon terms, conditions, and stipulations, to be proposed and offered by the said party of the first part and his associates.

H. B. POTTER, [L. S.]
SAMUEL GORDON, [L. S.]

Witness—O. ALLEN.

It is understood and agreed that the sum of one thousand dollars is to be added to the within contract.

O. ALLEN,
H. P. WILLCOX.

SEPTEMBER 29, 1838.

[No. 16.]

Articles of agreement made and concluded this 7th day of August, 1837, between Heman B. Potter, of the city of Buffalo, of the first part, and George Bennett, a Seneca Indian of the Cattaraugus reservation, in the county of Erie, of the second part.

Whereas, in conformity with the declared policy of the Government of the United States, the proprietors of the pre-emptive title of and in the four several tracts of land reserved by the Seneca tribe of Indians within the said State of New York, are desirous to induce the above mentioned tribe of Indians to accept, for their future and permanent residence, a tract of country in the territory west of the river Mississippi, appropriated for Indians inhabiting the Atlantic and other neighboring States, and are also desirous, by fair purchase, to extinguish the right of the said Indians in and to the lands in this state so reserved by them:

And whereas, in furtherance of these objects, and in order to a future treaty by which to effect the same, the said proprietors have authorized negotiations to be opened with the chiefs and other leading men of the said tribe of Indians, and certain offers to be made to them, in money, as a permanent fund for the nation, and a compensation for their improvements; and have also deemed it advisable and necessary to employ the aid, co-operation, and services of certain individuals, who are able to influence the said Indians to accept of the offers to be made to them:

And whereas, the said Heman B. Potter, the party of the first part, is empowered to act on behalf of the said proprietors, and to contract with any individuals whose co-operation and agency may be necessary and efficient in accomplishing the abovementioned object; and the said George Bennett, the party of the second part, has agreed to contribute his influence and services in the premises.

Now, therefore, it is mutually agreed by and between the parties hereto as follows:

First. The party of the second part undertakes and agrees to use his best exertions and endeavors to dispose and induce the said Indians to adopt and pursue the advice and recommendations of the Government of the United States, in respect to their removal and future location, and on such fair terms as the party of the first part and his associates, in the name of the said proprietors, shall propose to sell and release by treaty their said reserved lands, and on all occasions to co-operate with and aid the said party of the first part and his associates, as he may be from time to time advised in talks and negotiations with the chiefs and other influential men of the said tribe, and in the active application of his whole influence at councils and confidential interviews, for the purpose of effecting a treaty between the said tribe and the said proprietors, for the extinguishment of the Indian title to the said reserved lands.

Second. In consideration of such efforts, co-operations, and services on the part of the said George Bennett, faithfully bestowed in the premises, the said Heman B. Potter, on his part and that of his associates, agrees to pay, or cause to be paid, to the said George Bennett, or to his heirs, the sum of five thousand dollars within three months after notice of the ratification by the Senate of the United States of a valid treaty between the said tribe and the owners of the said pre-emptive title, or their trustees, by which the right and title of the said Indians shall be effectually released and extinguished in and to the said reserved lands.

This argeement, on the part of said party of the first part, being expressly dependant upon a treaty to be made and ratified upon terms, conditions, and stipulations to be proposed and offered by the said party of the first part and his associates.

H. B. POTTER, [L. S.]

his

GEORGE x BENNETT, [L. S.]

mark.

Witness—SAMUEL GORDON.

It is understood and agreed that the sum of one thousand dollars is to be added to the within contract.

SEPTEMBER 29, 1838.

O. ALLEN,

H. P. WILLCOX,

[No. 17.]

August 31, 1837.

It is agreed between Heman B. Potter, of the city of Buffalo, of the first part, and John Gordon a Seneca chief of the Alleghany reservation, of the second part, as follows:

That in case the Seneca tribe of Indians shall accept the offers of the Government of the United States for their removal to the west of the Mississippi river, and shall sell their lands in this State to the pre-emptive owners upon negotiations now pending, and in case the said John Gordon shall faithfully co-operate with and aid the said Heman B. Potter, and his associates, as he may be advised from time to time, by his services and influence at councils and confidential interviews, for the purpose of effecting a treaty with the Government and between the said tribe and the said proprietors, for the release and extinguishment of the Indian title of, in and to the said reserved lands, which the said John Gordon hereby agrees to do, and to sign said treaty and release; and if such treaty shall be made, shall be thereupon ratified by the Senate of the United States, then the said Heman B. Potter, who is authorized to act in the premises for said proprietors, hereby stipulates and agrees, for himself and his associates, to pay, or cause to be paid, to the said John Gordon, the sum of eleven hundred dollars, in three months after notice of such ratification; and, also, that the said John Gordon shall be entitled to a lease from the said pre-emptive owners, or their trustees, of the lot or piece of land now actually improved and occupied by him on the said Alleghany reservation, being about sixty acres, for the term of ten years, determinable whenever he shall cease to live on and occupy the same: to be executed as soon after said treaty as said lands may or shall be surveyed into lots, so that said piece of land can be described.

H. B. POTTER, [L. S.]

his

JOHN x GORDON, [L. S.]

mark.

Witness—Samuel Gordon,

January 15, 1838.

It is agreed that one hundred dollars of the within sum of eleven hundred dollars, shall be paid to the said John Gordon after the treaty and release shall have been executed by a sufficient number of chiefs to make them valid and effectual, as follows: Fifty dollars thereof in goods, and fifty dollars in cash.

H. B. POTTER.

[No. 18.]

It is agreed between Heman B. Potter, of Buffalo, of the first part, and Levi Halftown, a Seneca chief of the Cattaraugus reservation, of the second part, as follows:

That if the Seneca Indians shall accept of the offers of the Government of the United States, and remove to the west, and shall sell out their reservations to the pre-emption owners upon negotiations now pending, and if the said Levi Halftown shall faithfully render his aid, services, and influence in favor of a treaty for the purposes aforesaid, and if such treaty shall be made and ratified by the Senate of the United States, by which the right and title of said Indians shall be effectually abandoned, then, and in that case, the said Heman B. Potter stipulates and agrees, for himself and his associates, that the sum of five hundred dollars shall be paid to the said Levi Halftown in three months after notice of such ratification, and that he shall be entitled to a lease from the said pre-emption owners, or their trustees, for, and during his natural life, of the lot or piece of land where he now lives, on the said Cattaraugus reservation, being about sixty acres, to terminate whenever he shall cease to live on and occupy the same: said lease to be executed as soon as said lands shall have been surveyed into lots, so that said piece of land may or can be described according to the survey.

Witness our hands and seals this 19th day of August, 1837.

H. B. POTTER, [L. S.]

his

LEVI x HALFTOWN, [L. S.]

mark.

Witness—O. ALLEN.

[No. 19.]

It is agreed between Heman B. Potter, of the city of Buffalo, of the first part, and Jacob Jemison, a Seneca chief of the Alleghany reservation, of the second part, as follows:

That in case the Seneca tribe of Indians shall accept the offers of the Government of the United States for their removal to the west of the Mississippi river, and shall sell their lands in this State to the pre-emptive owners upon negotiations now pending; and in case the said Jacob Jemison shall faithfully co-operate with and aid the said Heman B. Potter and his associates, as he may be advised from time to time, by his services and influence, at councils and confidential interviews, for the purpose of effecting a treaty between the said tribe and the said proprietors, for the effectual release and extinguishment of the Indian title of, in, and to the said reserved lands, which he engages to do, and to sign said treaty; and if such treaty shall be made, and shall be thereupon ratified by the Senate of the United States, then the said Heman B. Potter, who is

authorized to act in the premises for said proprietors, hereby stipulates and agrees, for himself and his associates, to pay, or cause to be paid, to the said Jacob Jemison the sum of ten hundred dollars, in three months after notice of such ratification.

Witness our hands and seals, this 1st day of September, 1837.

H. B. POTTER, [L. S.]
his
JACOB x JEMISON, [L. S.]
mark.

Witness—SAMUEL GORDON.
H. P. WILLCOX.

[No. 20.]

It is agreed between Heman B. Potter, of the city of Buffalo, of the first part, and Blue Eyes, a Seneca chief of the Cattaraugus reservation, of the second part, as follows:

That in case the Seneca tribe of Indians shall accept the offers of the Government of the United States for their removal to the west of the Mississippi river, and shall sell their lands in this State to the pre-emptive owners upon negotiations now pending, and in case the said Blue Eyes shall faithfully co-operate with and aid the said Heman B. Potter and his associates, as he may be advised from time to time, by his services and influence at councils and confidential interviews, for the purpose of effecting a treaty between the said tribe and the said proprietors for the effectual release and extinguishment of the Indian title of, in, and to the said reserved lands, which he engages to do, and to sign said treaty, and if such treaty shall be made and shall be thereupon ratified by the Senate of the United States, then the said Heman B. Potter, who is authorized to act in the premises for said proprietors, hereby stipulates and agrees for himself and his associates, to pay, or cause to be paid, to the said Blue Eyes, the sum of two thousand dollars in three months after notice of such ratification; and also that the said Blue Eyes shall be entitled to a lease from the said pre-emptive owners or their trustees, of about fifty acres of land where he now lives, on the Cattaraugus reservation, for and during his natural life, to be terminated whenever he shall cease to live on and occupy the same, said lease to be executed as soon after said treaty as said lands shall be surveyed into lots.

Witness our hand and seals, September 16, 1837.

H. B. POTTER, [L. S.]
his
BLUE x EYES, [L. S.]
mark.

In presence of—SAMUEL GORDON.

[No. 21.]

It is agreed between Heman B. Potter, of the city of Buffalo, of the first part, and George Big Deer, a Seneca chief of the Cattaraugus reservation, of the second part, as follows:

That in case the Seneca tribe of Indians shall accept the offers of the Government of the United States for their removal to the west of the Mississippi river, and shall sell their lands in this State to the pre-emptive owners upon negotiations now pending; and in case the said George Big Deer shall faithfully co-operate with, and aid the said Heman B. Potter and his associates, as he may be advised from time to time, by his services and influence at councils, confidential interviews, and on all proper occasions, for the purpose of effecting a treaty between the said tribe and the said proprietors, for the effectual release and extinguishment of the Indian title of, in, and to the said reserved lands, which the said George Big Deer hereby agrees to do; and if such treaty shall be made, and shall be thereupon ratified by the Senate of the United States, then the said Heman B. Potter, who is authorized to act in the premises for said proprietors, hereby stipulates and agrees for himself and his associates, to pay or cause to be paid to the said George Big Deer, the sum of one thousand dollars in three months after notice of such ratification; and also, that the said George Big Deer shall be entitled to a lease from the said pre-emptive owners or their trustees, of about fifty acres of land where he now lives, on said Cattaraugus reservation, for the term of ten years from and after the ratification of said treaty—determinable, however, whenever he shall cease to live on and occupy the same, to be executed whenever said lands shall have been surveyed into lots.

Witness our hands and seals, September 16, 1837.

H. B. POTTER, [L. S.]

his

GEO. x BIG DEER, [L. S.]

mark.

In presence of—SAMUEL GORDON.

[No. 22.]

Articles of agreement, made and concluded this 29th day of July, 1837, between Heman B. Potter, of the city of Buffalo, of the first part, and John Snow, a Seneca chief, of the Buffalo Creek reservation, in the county of Erie, of the second part.

Whereas, in conformity with the declared policy of the Government of the United States, the proprietors of the pre-emptive title of and in the four several tracts of land, reserved by the Seneca tribe of Indians, within the said State of New York, are desirous to induce the abovementioned tribe of Indians to accept, for their future and permanent residence, a tract of country in the territory

west of the river Mississippi, appropriated for Indians inhabiting the Atlantic and other neighboring States, and are, also, desirous, by fair purchase, to extinguish the right of the said Indians in and to the lands in this State, so reserved by them:

And whereas, in furtherance of these objects, and in order to a future treaty by which to effect the same, the said proprietors have authorized negotiations to be opened with the chiefs and other leading men of the said tribe of Indians, and certain offers to be made to them in money as a permanent fund for the nation, and a compensation for their improvements; and *have also deemed it advisable and necessary to employ the aid, co-operation, and services of certain individuals who are able to influence the said Indians to accept of the offers so to be made to them:*

And whereas, the said Heman B. Potter, the party of the first part, is empowered to act on behalf of the said proprietors, and to contract with any individuals whose co-operation and agency may be necessary and efficient, in accomplishing the abovementioned object; and the said John Snow, the party of the second part, has agreed to contribute his influence and services in the premises; and in case of the extinguishment of the said Indian title to the said reserved lands as aforesaid, to sell to the said proprietors all and singular his improvements, of, in, and to the same:

Now, therefore, it is mutually agreed by and between the parties hereto, as follows:

First. The party of the second part undertakes and agrees to use his best exertions and endeavors to dispose and induce the said Indians to adopt and pursue the advice and recommendations of the Government of the United States, in respect to their removal and future location; and on such *said* terms as the party of the first part, and his associates, in the name of the said proprietors, shall propose to sell and release, by treaty, their said reserved lands; and on all occasions to co-operate with and aid the said party of the first part, and his associates, as he may be, from time to time, advised, in talks and negotiations with the chiefs and other influential men of the said tribe; and in the active application of his whole influence at councils, and confidential interviews, for the purpose of effecting a treaty between the said tribe and the said proprietors, for the extinguishment of the Indian title to the said reserved lands.

Second. The second party of the second part hath sold, and hereby doth sell, to the said proprietors, all and singular his buildings and improvements on the lands so to be released by treaty, and agrees to accept compensation therefor in the manner hereinafter mentioned; said buildings and improvements in the meantime not to be leased, or in any manner disposed of by said party of the second part.

Third. In consideration of such efforts, co-operation, and services on the part of the said John Snow, faithfully bestowed in the

premises, and of the sale and release of all and singular his said buildings and improvements upon any of the lands aforesaid, without leasing or otherwise disposing of the same, as hereinabove stipulated, the said Heman B. Potter, on his part, and that of his associates, agrees to pay, or cause to be paid, to the said John Snow, the sum of two thousand dollars, within three months after notice of the ratification, by the Senate of the United States, of a valid treaty between the said tribe and the owners of the said pre-emptive title, or their trustees, by which the right and title of the said Indians shall be effectually released and extinguished, in and to the said reserved lands; subject, however, to the following qualification and understanding: that in case the said treaty shall provide for the payment to individual Indians for their buildings and improvements, then and in that case the said party of the second part shall accept and receive, as part payment of the abovementioned sum of two thousand dollars, such sum or compensation as he shall or may be entitled to, by and under the provisions of such treaty, for his said buildings and improvements, and the balance of the said two thousand dollars which shall remain, after deducting therefrom such compensation as aforesaid, and that only to be paid by the said party of the first part, as above specified, within the time abovementioned, or as soon thereafter as the said balance can be ascertained; and in case said party of the second part shall be entitled, by and under the provision of said treaty, to the sum of two thousand dollars and upward, he shall receive the same as may be therein provided, and the said party of the first part shall be discharged from paying any part of said two thousand dollars.

And the said John Snow shall also be entitled, at a nominal rent, to a lease from the owners of the pre-emptive title, or their trustees, of and for the lot of land actually improved and occupied by him, called the Whipple farm, near the old council house, on the Buffalo reservation, for and during his own natural life, determinable when and as soon as he shall cease to live on and occupy the same; said lease to be executed by the lessors as soon after said treaty as said lands shall have been surveyed and allotted, said lease having reference to said survey.

This agreement on the part of said party of the first part, being expressly dependant upon a treaty, to be made and ratified upon terms, conditions, and stipulations, to be proposed and offered by the said party of the first part, and his associates.

H. B. POTTER, [L. S.]

his

JOHN x SNOW, [L. S.]

mark.

Witness:

his

GEORGE x JIMESON,

mark.

True copy:

M. B. PIERCE.

P. S.—Maris B. Pierce, abovenamed, is one of the chiefs who signed the Buffalo treaty.

[No 23.]

Articles of agreement, made and concluded this 7th day of August, 1837, between Heman B. Potter of the city of Buffalo, of the first part, and Joseph Snow, a Seneca Indian, of the Cattaraugus reservation, in the county of Erie, of the second part.

Whereas, in conformity with the declared policy of the Government of the United States, the proprietors of the pre-emptive title of and in the four several tracts of land reserved by the Seneca tribe of Indians, within the said State of New York, are desirous to induce the above mentioned tribe of Indians to accept for their future and permanent residence, a tract of country in the territory west of the river Mississippi, appropriated for Indians inhabiting the Atlantic and other neighboring States, and are also desirous, by fair purchase, to extinguish the right of said Indians in and to the lands in the state so reserved by them :

And whereas, in furtherance of these objects, and in order to a future treaty, by which to effect the same, the said proprietors have authorized negotiations to be opened with the chiefs and other leading men of the said tribe of Indians, and certain offers to be made to them in money, as a permanent fund for the nation and a compensation for their improvements, and have also deemed it advisable and necessary to employ the aid, co-operation, and services of certain individuals, who are able to influence the said Indians to accept of the offers so to be made to them.

And whereas, the said Heman B. Potter, the party of the first part, is empowered to act on behalf of the said proprietors, and to contract with any individuals whose co-operation and agency may be necessary and efficient in accomplishing the abovementioned object, and the said Joseph Snow, the party of the second part, has agreed to contribute his influence and services in the premises :

Now, therefore, it is mutually agreed by and between the parties hereto, as follows :

First. The party of the second part undertakes and agrees to use his best exertions and endeavors to dispose and induce the said Indians to adopt and pursue the advice and recommendations of the Government of the United States, in respect to their removal and future location ; and on such fair terms as the party of the first part and his associates, in the name of the said proprietors, shall propose, to sell and release by treaty, their said reserved lands, and on all occasions to co-operate with, and aid the said party of the first part and his associates, as he may be from time to time advised, in talks and negotiations with the chiefs and other influential

men of the said tribe, and in the active application of his whole influence at councils and confidential interviews, for the purpose of effecting a treaty between the said tribe and the said proprietors, for the extinguishment of the Indian title to the said reserved lands.

Second. In consideration of such efforts, co-operation, and services, on the part of the said Joseph Snow, faithfully bestowed in the premises, the said Heman B. Potter, on his part and that of his associates, agrees to pay or cause to be paid to the said Joseph Snow, the sum of one thousand dollars, within three months after notice of the ratification by the Senate of the United States of a valid treaty between the said tribe and the owners of the said pre-emptive title or their trustees, by which the right and title of the said Indians shall be effectually released and extinguished in and to the said reserved lands.

And the said Joseph Snow shall also be entitled, at a nominal rent, to a lease from the owners of the pre-emptive title or their trustees of and for the lot or piece of land, being about fifty acres, where he now lives, and actually improved and occupied by him, on the Cattaraugus reservation, for and during his own natural life, or for the term of ten years, at his election, determinable, in either case, whenever he shall cease to live on and occupy the same; said lease to be executed by the lessors, as soon after said treaty as said lands shall have been surveyed and allotted; said lease having reference to said survey for description.

This agreement, on the part of said party of the first part, being expressly dependant upon a treaty to be made and ratified upon terms, conditions, and stipulations, to be proposed and offered by the said party of the first part and his associates.

H. B. POTTER,
his
JOSEPH x SNOW.
mark

Witness:
SAMUEL GORDON.

[No. 24.]

It is agreed between Heman B. Potter, of the city of Buffalo, of the first part, and George Lindsey, a Seneca chief, of the Buffalo Creek reservation, of the second part:

That, in case the Seneca tribe of Indians shall accept the offers of the Government of the United States for their removal to the west of the Mississippi river, and shall sell their lands in this State to the pre-emptive owners, upon negotiation now pending, and in case the said George Lindsey shall faithfully co-operate with, and aid the said Heman B. Potter and his associates, as he may be advised from time to time, by his services and influence at councils and confidential interviews, for the purpose of effecting a treaty between the

said tribe and the said proprietors, for the effectual release and extinguishment of the Indian title of, in, and to, the said reserved lands, and if such treaty shall be made, and shall be thereupon ratified by the Senate of the United States, then the said Heman B. Potter, who is authorized to act in the premises for said proprietors, hereby stipulates and agrees, for himself and his associates, to pay, or cause to be paid, to the said George Lindsey, the sum of $100, in three months after notice of such ratification.

Witness our hands and seals, this 26th day of August, 1837.

HEMAN B. POTTER, [L. S.]
GEORGE LINDSEY, [L. S.]

AFFIDAVITS.

[No. 25.]

STATE OF NEW YORK, } ss.
County of Erie, }

James Shongo, a resident and one of the chiefs of the Seneca nation, being duly sworn, deposes and saith: That he was present at the recent council where the commissioners presented a treaty to him to sign; that, being opposed to emigration, he with others refused to sign it; that late in the evening of the day that the council broke up, this deponent was urged to go down to the tavern on the reservation, kept by one Allen, where he found the commissioners; that, after having remained at said tavern for some time, that Job Whipple came down in the bar room, where this deponent was, and asked him to go up stairs, where he met H. B. Potter, Esq. one of the commissioners, and an interpreter; that said Potter told this deponent that he had come to see him for the last time; that this was the only opportunity for signing the treaty; that if he signed now, he would be entitled to all the offers made him at the council; if he did not sign it, he would be compelled to go at any rate, for the land was sold, and that by refusing to sign, he would lose all of his improvements; that he was very sorry he had got to emigrate, but he would endeavor to help him all he could; and then offered the deponent one thousand dollars, payable in three months after the treaty was ratified, if he would sign, and also twenty-five dollars in cash, and pay his board at Whipple's, where this deponent had boarded for two or three weeks; all of which offers this deponent utterly refused. Deponent then got up to leave the room, when the interpreter said to him that he ought to sign; deponent then asked why they did not pay him all the money at once? to which the interpreter replied, that they had paid out so much already to others that they were out. This deponent then

signed the treaty, but never would have done so, had not the commissioners made him believe that a majority of the chiefs had signed, and that the land was taken from them; all of which this deponent has since ascertained to be wholly and utterly false; that a majority of the chiefs have never signed the treaty; and that more than two-thirds of the nation are opposed to emigration; that this deponent is now and ever has been opposed to removal; and believing that he should get nothing unless he signed, as the commissioner frequently told him that he would not, he did sign for the purpose of getting what he could for his improvements. And further says not.

his
JAMES x SHONGO.
mark.

Witness—ZACHARIAH JIMESON.

Subscribed and sworn to before me, this 1st day of March, 1838.

D. TILLINGHAST,
Supreme Court Commissioner.

[No. 26.]

STATE OF NEW YORK, } ss.
County of Erie, }

John Snow, a resident and one of the chiefs of the Seneca nation, being duly sworn, deposes and saith: That he was at the late council on the Buffalo reservation, where the commissioners attended for the purpose, as stated by them, to effect a treaty for the removal of the Indians; that two papers were presented, one for those to sign who were in favor of emigration, and one for those that were opposed; that when this deponent was asked to sign, he told the commissioners that he was opposed to removing, and could not sign the treaty, and at the same time put his name, as he supposed, on the paper of those that were opposed; that, one day afterward, as he was going down to the council, this deponent met George Bennett, one of the chiefs, who told this deponent that it was useless for him to refuse any longer to sign the treaty; that the Alleghany, Cattaraugus, Buffalo, and Tonewanda reservations were sold; that the treaty was concluded, and that they had got to remove; that, unless he did sign the treaty, he would lose all his improvements, and be compelled at last to go. This deponent then thought if he had got to lose his improvements, if he did not sign, he would go and see the commissioners. Bennett then said he must go immediately; deponent then went down to the tavern kept by one Allen. George Jemison then came in and told deponent that Mr. Potter wished to see him, and had sent him (Jemison) after him. Deponent then went up stairs, where he met Mr. Potter and an interpreter. Potter then asked deponent how he felt

with regard to the proceedings of the council? Deponent then replied that he felt very hard about it; that he was very sorry to hear that he and his people had got to go to the west, as they did not like the land there; and further, he thought it was hard to lose his improvements; and he had made up his mind that he and his people should not go; that his mother was very old, and he had much rather she should die here. Potter then said it shall be no loss to you; there is a way for you to hold your land and your improvements; and if he would join the emigration party and stick to it until ratified by Congress, he would give him two thousand dollars. Deponent then replied that he thought it was very wrong for him to do so, as the land belonged to his people as much as himself. Mr. Potter then said it would not be wrong for him to do so; that he did not pay him the two thousand dollars for any thing, but gave it to him as a present; (he, the deponent, being a chief,) and if the deponent wished to remain, he could do so; he would help him all that he could. Deponent then replied, that he had made up his mind not to sign the treaty, but wished to save his property if it was possible. The interpreter then told deponent that if he did not wish to sign the treaty he need not, as he (deponent) could make a contract with Potter, which would obviate it. Potter then drew up a contract securing to the deponent two pieces of land which this deponent had, one of 80, the other of 70 acres, so long as he lived. [See copy of contract in the hands of the delegation.] Deponent then signed. And deponent further says, that as soon as he signed, he saw Potter burn the original contract up, a copy of which this deponent had taken just previous, and now in his possession. Deponent further says that he did not wish to sign; that when the contract was handed to him, the interpreter told him that he had got the contract in his possession and now he must sign. After waiting, thinking for some time, and believing that he had yet to do as was stated, this deponent signed the treaty, but under no circumstances would he have done so, did he not believe, from what was stated, that a majority had signed the treaty, and that they had got to remove. Since then, the deponent has learned that a large majority of the chiefs are opposed to emigrating, and more than two-thirds of the nation; that this deponent never did, nor even now wishes to emigrate; that Reuben Halftown, Nathaniel Strong, Esquire, William Shanks, and Levi Halftown, who have signed the treaty, as this deponent is informed, are not chiefs of the nation, but put up by the emigration party, in 1832, and have never been duly elected chiefs of the nation; and further says not.

JOHN SNOW.

Witness—Zachariah L. Jimeson.

Sworn and subscribed to before me, this 1st day of March, 1838.

D. TILLINGHAST,
Supreme Court Commissioner.

I certify that James Shongo and John Snow, beforenamed, were sworn before me, by and through Zachariah L. Jimeson, sworn before me as interpreter, in relation to the matters of the affidavits by them subscribed above, and that they had had the contents of said affidavits explained to them in the Indian language, and they declared the same to be true.

D. TILLINGHAST,
Supreme Court Commissioner.

[No. 27.]

Erie County, *ss.*

Samuel Gordon being duly sworn, deposeth and saith, that on the day the delegation started for the west, about the 20th of July, 1837, after the delegation had started, deponent and the emigrating party came back to the Bull's Head house in the city of Buffalo: James Stryker, Henry P. Wilcox, Heman B. Potter, and Allen, and all the chiefs in favor of emigration, were present at the tavern. The agent, J. Stryker, invited them to go up stairs, and he ordered on the bottles of liquor and sugar; the chiefs partook freely, and the agent drank toasts to the health of the delegation who had started to the west. About the time they were drinking, Potter, Allen, and Wilcox wished me to obtain the signatures of the chiefs.

The delegation had gone without the consent of the nation. They wanted the chiefs to make out a paper and have it signed by the chief men and warriors by the time the delegation returned. They offered to pay me handsomely and bear my expenses, if I would get persons to sign. They wanted me to stay at Buffalo, and I did so, and when I found one that would sign, I took him to Gen. Potter.

They wished me to associate with chiefs, and get them to assert that the country and land at the west was good; and I got some to make the statement; I took Levi Halftown to Buffalo for that purpose.

When Little Johnson and H. Jones went west, deponent went down, and some warriors signed, and Potter paid them one dollar each, (in the presence of Levi Halftown.) Soon after L. Johnson went, Potter tried to make a bargain with me. Previous to that time, he had requested me to say that a great many chiefs were signing.

After the deponent made his bargain, and after Halftown had made his, Potter told me to state to others, that a great many agreements had been made by the chiefs, and that a considerable amount of money was appropriated for that purpose.

Deponent told others, that a great many had made their arrangements; that if they did not accept the offer, that the land would be sold, and they would get nothing; that each chief made his own bargain, &c. When deponent brought in some chiefs, they refused

to sign without more money. Then Potter said, there are many that ought to have some money, and that the money was most gone, there have so many made bargains. To some they gave five dollars, and to some ten, and they agreed that no one should tell. Potter said, you must not tell, because I have given you more than the rest.

After deponent entered into his contract, he made great endeavors to get chiefs to sign. They gave him means and money to bear expenses of bringing them to the agents; most all would agree to come to Buffalo. Some would not make bargains, as news got around that something was going on that was not right. Deponent made his bargain and bond in the morning, but Bennet would not make his unless the agent was present, and advised Bennet to take the offer.

Stryker then sent Bennet and myself with a letter to Tonewonda, so that they might not be suspected of being agents to buy in chiefs; the object was, however, suspected, and we denied it. We got Spencer Cone to enter into a bargain and brought him to Buffalo.

They came to get all they could to meet at a certain place, and Allen would come to make arrangements. Stryker understood the arrangements.

They continued running from place to place to get all they could to meet General Potter, who was ready to enter into a particular agreement with them. They transacted their business with closed doors.

When the delegation who went to the west to examine the land were returning, deponent and several others of the emigration party were sent for to meet the delegation at Buffalo, on their arrival. When they arrived, Little Johnson and deponent walked up the street, and Johnson had been drinking a little. Deponent asked Little Johnson about the quality of the land at the west. He gave me to understand that the land was not good, but he was almost a mind to say it was good. I was sent to Cattaraugus to get Israel Jimeson and take him to Buffalo, the same night.

Israel Jimeson and myself returned the next day. Gen. Potter asked me to conduct Israel Jimeson to his office, which I did. Potter then did his best to persuade Jimeson to favor his designs, and offered him five thousand dollars. Israel Jimeson whispered to me to ask Potter if he would give seven thousand dollars, though he said he did not mean to accept of any proposal. I asked the question, but did not receive answer at that time; an arrangement was made, however, to meet the next day. Israel Jimeson asked Potter whether he was the agent to transact business for the company? He answered in the affirmative, and said Orlando Allen, Dr. Willcox, and Judge Stryker, were also agents to act for the company. Jimeson inquired if they had money plenty? He said not much, but they were making efforts to collect all they could.

(It is said to be understood that the five thousand dollars offered Jimeson was to hire him to say that the *land* was good.) When the time came the next day for Jimeson to meet General Potter, he did not go, and never has been since, to my knowledge. At the interview with General Potter, he showed Jimeson a large package of papers, which he said were articles of agreement with chiefs for removal, &c.

Twice I have been sent to Alleghany to pursuade the chiefs to sell their lands. The chiefs wished me to return to Buffalo, and ascertain precisely what advantages we should receive if we agreed to remove to the west. Potter returned answer, that we give you an opportunity of signing, that you may stand an equal chance with other chiefs; we have already got a majority, and the land will be sold at any rate. The Alleghany chiefs said that we will wait until we get a report from our delegation who have gone to the west, and then if the land suits us we will sign our names, but not otherwise. When the delegates returned from the west, they brought a bad report of the land, and therefore the Alleghany chiefs would have nothing to do with the treaty, except Long John, Jacob Jimeson, and John Gordon, who locked themselves up and were bribed to sign the paper.

Gen. Potter, Allen, Wilcox, and Stryker, employed me and Bennet to go all round in the several villages to obtain all the names we possibly could, and they gave us money to pay those chiefs who would not sign without. Mr. Gillett also encouraged us to do the best we could. After the council was opened, and the commissioner was present, we were in constant trouble. We were urged to labor day and night to procure names, so that we had no time to rest. We had the promise of twenty-five dollars for the name of every chief we could obtain; we obtained two and received fifty dollars. The commissioner told us one day, that he would bring in the treaty and lay it before them the next morning, and all might sign who chose. The agents of the land company also said they would make an estimate on the land, what they could give an acre, &c. Joseph Fellows was the principal actor at this time. When the agents of the company made their offer, the chiefs concluded it was not sufficient, and therefore would have nothing to do with it; the counciling, however, was kept up in different parties, and persons were running backward and forward from the agents to the chiefs, &c., until midnight, when they concluded to defer it until another time. The next morning I slept very late, and the first man I met after I arose was General Potter, who said, "You have overslept yourself, and was not present this morning when the terms were all settled with the chiefs: now be still and say nothing, and you shall have one hundred dollars to make up your deficiency in the value of land," &c. I received a hundred dollars, and also Bennet and some others; Blue Eyes and

several others, received fifty dollars each, to reconcile them to the low price of the land. The treaty was kept on the table every day for two or three weeks to obtain names. Those who signed after the first, received no money of consequence, but the promise of money, goods, &c., when the treaty should be ratified. Some received small portions of money to encourage them, and some received goods at the time.

Last winter, after Gillett returned from Washington, Stryker employed me to make another effort to get names. He sent me to see Israel Jimeson, and told me to do the best I could. He says, "You grease him well and I will swallow him." I told him it would do no good, but I would try. I took Jimeson before Gillett once, but it had no effect. Gillett offered him the privilege of selecting his spot at the west, &c: it all did no good.

Nathaniel T. Strong, when he started for Washington, went without the knowledge of the chiefs, or any authority. When he got to Buffalo, he sent George Jimeson back to get a paper from the chiefs, saying he was sent by them; they gave him the desired paper, and sent it after him to Washington. Again, last winter, when Gillett returned to Washington, Strong, White Seneca, George Jimeson, and Little Johnson, went with Gillett without any appointment from the chiefs. While they were on the way, I understood that they drew up a paper and signed the names of the chiefs themselves, *thus forging their own credentials.*

I understand that Judge Stryker has pretended that he was ignorant of the division of the Indians on the subject of emigration. Stryker is ready to accommodate the emigration party with every thing they wish, while others can scarcely obtain any thing.

I further state, that I have now changed my course, and abandoned the emigration party, because I found, by close observation, that it was all a system of fraud and deceit. Furthermore, concerning the western emigration, I am satisfied it will be injurious to the welfare of the Indians. Here, they are already in comfortable circumstances; many have comfortable buildings, and are advancing in property; therefore, I think they had better remain where they are; and, moreover, *here*, the white people are ready to assist us in the cause of education- which would be, in my opinion, more expensive at the west; also, they are teaching us the arts of civilization, which we are unwilling to leave: we see the practices of the whites and imitate them, and get along better than we used to do. If we should leave this place and go far away among the savages, we might decline in our habits, and become poor and miserable. Our young men would probably lose their knowledge of the English language and habits of industry; probably we should soon become like the natives of the west if we went there. Another thing, I think

it reasonable that I should take the side of the majority and let them have their choice about their place of residence.

SAMUEL GORDON.

Sworn and subscribed, this 26th day of August, 1839, before me.

JOHN SHERMAN, *J. P.*

[No. 28.]

Town of Callius, *Erie county, ss.*

Morris Halftown, being duly sworn, saith that during the general council held on the Buffalo Creek reservation, in the year 1838, he called in at the public house known by the name of Allen's tavern, on said reservation. Z. L. Jimeson called to him, Judge Stryker took him by the arm and told him he must not go out, took him into a private room and told him to put his name to the treaty; he told him he would not, as there were many of his friends and relations that are against it; Judge Stryker asked what he wanted; he answered nothing; the reason why he would not put his name to the paper he had already stated; then the judge told him if he got tired he might lie on the bed, went out and locked him in; by-and by Judge Stryker came in again, (the council was adjourned,) and told him that the treaty was all completed, and there was three thousand dollars reward for him; he still contended he would not put his name to the paper, but when all the chiefs put their names to that paper then he would. He then heard somebody coming into the room; Mr. Allen, with a decanter of strong liquor came in, and told him he must drink, and said, "I know you are tired, drink of this; he then took hold and drank of it; they then took him into another room where Dr. Wilcox and Gen. Potter were; Dr. Wilcox then told him he must put his name to that paper; he then told them he would not; they insisted on it he should; Mr. Allen then goes down stairs and brings up George Jimeson; then we had a good interpreter. George told him he must put his name to that paper, (we know you are a man;) Dr. Wilcox then told him he should have one thousand dollars for exploring the Indian Territories west of the Mississippi about four years ago; he then told them if they would give one hundred dollars to each of three of his friends, and four thousand dollars to himself, he would sign the treaty; they agreed to it; they told him he might have all the money he wanted, from five to ten dollars at a time, and gave five dollars immediately, and gave him much encouragement, and told him to call when he wanted money, and he did not fail in calling on them when his money run out. After all this he considered they were strong men armed, and had him in their power, and he yielded to them; he knew it was wrong, not only to his own people but also to the Great Spirit. And on this consideration he had concluded to repent and return to his friends. He looked upon it as very sinful in the sight

of God, and that if he did not repent he should merit his displeasure.

his
MORRIS x HALFTOWN,
mark.

Sworn and subscribed before me, this 26th day of August, 1839.
JOHN SHERMAN, *Justice of the Peace.*

[No. 29.]

Sky Carrier, a chief of the Seneca nation of Indians, resident on the Buffalo Creek reservation, being duly sworn, deposeth and saith: That, about three weeks after the commencement of the council held by commissioner Gillett on said reservation last summer, he was asked by one Billy Shanks to go to the tavern of one Allen, on the reservation near the council-house erected by said commissioner, to see the chiefs who had signed the treaty at the council the foregoing winter, the said Shanks telling this deponent that they were all then in the upper room of said tavern, and had agreed to sign again; this deponent, not believing Shanks, went to said upper room to see whether the chiefs were there or not; as the deponent was going into the front door of the tavern he was requested to stop until Judge Stryker could see him, which he did. The judge immediately came out to meet him, and commenced conversation with this deponent, by assuring him that the treaty was ratified last winter, and the land gone, whatever might be the fate of the amendments, and that the wise men among the opposition party were trying to conceal the fact of the sale of the lands, for their own personal benefit, and to his injury; and further told this deponent that he pitied him very much because he could not see through it, and that his only safe course was to join the emigration party, and then offered him (as he said) at his own expense a barrel of flour and other provisions, also promising for the company something handsome if he would now join said emigrating party; the judge then asked this deponent to go up stairs in said tavern and see the company and the chiefs, which he did. Shanks took him up stairs and handed him to a room, in which he did not find any person except one Samuel Gordon, who was confind to his bed sick at the time; the said Shanks leaving him, professedly to find the chiefs before spoken of. While this deponent was in said room, George Jemison and White Seneca came in and said that White Seneca was appointed to tell him the facts in relation to the land question. The said Seneca then took this deponent to the other side of the room and told him that the treaty had been ratified, and the land sold last winter, and that he had better provide for himself and family, by accepting the offers of the company, and signing the amendments. The said Seneca then told this deponent that he would send for H. B. Potter and Orlando Allen, as they were empowered to make bargains with the chiefs for their signatures to

the amendments. The said Seneca then sent Jemison for Messrs. Potter and Allen, who immediately returned with said Jemison to the room occupied by said Seneca and this deponent; Mr. Potter then entered into conversation with this deponent and assured him that the land was sold beyond recovery, and that he had better do something for himself by accepting offers which he should make, than to lose all by a refusal. Mr. Potter then offered him five dollars in cash in hand, upon which Jemison told this deponent to ask ten dollars, which he did; that then Mr. Porter made the further offer of ten dollars in hand and one thousand dollars two months from the ratification of the amendments; and also secure to him for his lifetime the possession of one hundred acres of land on the Buffalo Creek reservation, provided this deponent would sign the assent to the Senate's amendments. That then Mr. Potter, against this deponent's remonstrance, signed this deponent's name to a paper, and Mr. Allen gave this deponent ten dollars in money. And this deponent further saith, that he kept the ten dollars two days, and kept the whole transaction a secret from all but confidential friends, (chiefs,) and on the second day spoke in council and told all the facts as set forth in this affidavit, and also returned the ten dollars to said Jemison in the presence of the commissioner and General Dearborn, and all the chiefs in council assembled. Upon the conclusion of this deponent's speech, Mr. Gillett arose and addressed him personally, calling on him to be as explicit on the next day in informing the council of those who had influenced him to make the disclosure, and also to return the money paid him by the emigration party for making such disclosure, and also to give the names of the men who had hired him to make his speech, and told him that he was a deceiver and had shown himself to be a liar by his own story, and many other things of the like abusive character, which deponent will not now repeat. And this deponent further saith, that he did not let any white man know of the transaction with Potter and Allen until he made it known in council publicly, as heretofore stated. And this deponent further saith, that while Mr. Gillett was in Buffalo this winter and fall, he (deponent) was repeatedly called upon at his residence and solicited for his signature, and at one time the said Seneca, and one Jemison came to his house at midnight and offered him one hundred dollars to go to Buffalo and get the offers of Mr. Potter, who they said was now very liberal, which he refused. And this deponent further saith that he never signed said assent to the Senate's amendments; and further saith not.

his
SKY x CARRIER.
mark.

Witness—S. G. Heacock.

Sworn before me, this 7th day of February, A. D. 1839.

H. A. SALISBURY,
Commissioner of Deeds for Erie county.

[No. 30.]

Little Joe, a Seneca warrior, residing on the Buffalo Creek reservation, being duly sworn, deposeth and saith: That, about three weeks before the close of the council held on this reservation last summer, he was requested to go to Whipple's tavern on the reservation, which he did, and there found Mr. Orlando Allen, who asked him to sign his assent to the Senate's amendments, to which this deponent replied, that he was not a chief, and had no right to sign the papers; whereupon, Allen asked this deponent to join the emigrating party and help them obtain signatures, to which this deponent replied, that he was not to be fooled as they were fooling others of his nation; that then Allen asked this deponent up stairs, and on going up, he found in a room George Jemison; that then Allen offered this deponent fifty dollars for his assistance in obtaining signatures, which this deponent refused, and then told Allen that he had done his business and would go home; but that, after some more conversation, this deponent resolved to act as a spy upon the company; the company had been always secret in their operations, and the opposition party could not get any light of their proceedings; whereupon, he again entered into conversation with said Allen, and agreed to meet said Allen in two days, at the council, which he did, and Allen took him to an upper room in C. R. Allen's tavern, where he found Judge Stryker and General Potter, and (knowing that his own signature would be worth nothing) after some conversation with the gentlemen in the room, he concluded to take eighty dollars and agree to assist the company, which money was then handed to this deponent by Doctor Wilcox. He was then sent to Buffalo with Mr. Whipple, to get two hundred dollars which Whipple gave this deponent, and this deponent was then empowered by the company (Potter, Allen, Wilcox, & Co.) to go to his Uncle George Conjoceyta and offer him the two hundred dollars, and also a life lease of one hundred acres of land, provided he (his uncle) would agree to sign the assent to the Senate's amendments. And this deponent further saith, that their were two others, viz. George Fox and John Jemison, appointed for the same purpose with himself, and they were furnished money and told to use all means in their power to obtain signatures; and further saith, that they were ordered by said company to get the chiefs drunk, or to pick up any that were so and bring them either to Whipple's tavern or to Allen's, at which places some of the company were in constant attendance; and further, that it was their business to work nights, and that they did so get many drunk, and took them to said taverns and delivered them into the hands of one of the said company or of their agents.

And this deponent further saith, that he lived at Whipple's tavern at the expense of the company, and that every night either Potter or Allen, or one of their agents, was there until very late,

for the purpese of receiving such as might be intoxicated or otherwise induced to sign the assent to the amendments; and further saith that there were many cases like the following, which this deponent gives as an instance:

When this deponent was one day coming out of the city of Buffalo, he was met opposite the Bull's-head tavern by Judge Stryker, (the Indian agent,) and told by said agent that one George Fox was up-stairs, trying to get the signature of a chief called General John, or John General, and was asked by said Stryker to go up and assist said Fox. This deponent went up-stairs, and found Fox and General John, or John General, seated at a table, upon which was a bottle of liquor. Fox told this deponent that he could not get General to sign the paper, and left him with this deponent. This deponent then tried to get General away; but as he was a man who loved the bottle, and very much addicted to intemparate drinking, he could not prevail on him. And this deponent further saith, that two days after, he asked Fox whether General did sign said treaty; and that Fox told this deponent that on the evening General got so drunk, he did sign a paper, which was equivalent to signing the treaty. And this deponent further saith, that, at the close of the council held last summer on this reservation, he made an affidavit of some facts for the opposition party, which was said to be lost; and further saith not.

his
LITTLE x JOE.
mark.

Witness—S. G. Heacock.
Sworn before me, this 7th day of February, A. D. 1839.
H. A. SALISBURY,
Commissioner of Deeds for Erie county.

[No. 31.]

Jacob Bennet, a chief of the Seneca nation, resident on the Buffalo Creek reservation, deposeth and saith: That while the council was in session last summer, he was asked to go and see his brother, who was sick at Allen's tavern, on said reservation, which he did, and, after some conversation with him, was asked to go into another room, which he did, and there he found Judge Stryker, General Potter, and Doctor Wilcox; immediately after being seated, he was left alone with General Potter; and after some conversation with Mr. Potter, in which he (Mr. P.) pressed the conversation, this deponent saying he did not wish to converse with him, but wished to see the agent, Mr. Potter, then told this deponent that he must talk with him, as he had signed the treaty last winter, and it had been confirmed, and the land was gone, and that this deponent, by signing the treaty last winter, had forfeited all his right to the same.

And this deponent further saith, that he had made an agreement with the said Potter the winter before, which agreement was reduced to writing, and left in the hands of this deponent's brother; which, according to this deponent's best recollection and belief, was as follows: that, provided this deponent would sign the treaty and deed, he (Potter) would pay this deponent one thousand dollars within three months after the ratification of said treaty. And this deponent further saith, that he demanded of said Potter at this time, in the presence of his brother, that agreement, that it might be destroyed, which was promised to be given to him by his brother; that, then, the said Potter told this deponent to set the amount that he would take to sign his name to the assent to the Senate's amendments, and he should have it; whereupon this deponent told the said Potter that he never would sign the said assent, at *any* price. That then the said Potter left the room, and the agent, Judge Stryker, came in and commenced conversation with this deponent, asking him the reason why he would not make a bargain with Mr. Potter, and expressed his sorrow that this deponent should pursue such a course, refusing such offers; and further saith, that he has been repeatedly asked by the agents to accept of the bribes of the company, and pressed by them so hard that he has had to run away from them. And this deponent further saith, that he has always utterly refused to sign his name to the assent to the amendments; and further saith not.

his
JACOB x BENNET.
mark.

Witness: S. G. Heacock.
Sworn before me, this 7th day of February, A. D. 1839.
H. A. SALISBURY,
Commissioner of Deeds for Erie County.

[No. 32.]

John Barks, a chief of the Seneca nation of Indians resident on the Buffalo Creek reservation, being duly sworn, deposes and says: That about the close of the council, last summer, one George Jemison and one White Seneca came to his house about midnight, and told this deponent that they were authorized to make a new bargain with this deponent, (referring to a bargain made last winter with H. B. Potter, which agreement was reduced to writing and left in the hands of George Jemison,) which, according to this deponent's best recollection and belief, was as follows: that, provided this deponent would sign the treaty and deed, the said Potter would pay him five hundred dollars upon the ratification of said treaty, and also procure for this deponent a life lease of three hundred acres of land on the Buffalo Creek reservation, to which he answered that he would do nothing about it. Jemison then told this

deponent that the land was gone, and that, unless he (this deponent) made some new arrangement, he would lose all; that this deponent then answered him that he would not sign the assent, being determined to exercise his own judgment this time, his name having been obtained against his better judgment last winter, and that he should have his own way now; and they might as well desist pressing him, as he was determined. Upon which they left the deponent's house about daybreak, having remained there, urging him all the time, from midnight as aforesaid.

And this deponent further saith, that while the Hon. R. H. Gillett was in the city of Buffalo this last fall, he was called to the upper room of a tavern to see Mr. Gillett, when he there held a conversation with George Jemison, under the following circumstances:

The said Jemison, after holding a conversation with the said Gillett and Judge Stryker, told this deponent that he had better sign the assent, as he would lose all unless he did, and that if this deponent would so sign he would be well paid, and that they could go into General Dearborn's room (who was sick at the time) and let him witness it, and that would be sufficient; and this deponent now declares that these offers were made in the presence of the said Gillett and Stryker, all of which, in their presence, he refused; and further saith not.

his
JOHN x BARKS.
mark.

Witness—S. G. Heacock.

Sworn before me, this 7th day of February, A. D. 1839.

H. A. SALISBURY,
Commissioner of Deeds for Erie County.

[No. 33.]

George Conjoceyta, a chief of the Seneca nation, resident on the Buffalo Creek reservation, being duly sworn, deposes and says: That while the council was in session on this reservation last winter, he was called upon to come to Whipple's tavern to see his friend Jones, which he did, and was invited up-stairs, where he was offered, by said Jones, one thousand dollars, to be paid three months after the ratification of the treaty, and a life lease of one hundred acres of land, provided he would sign the treaty, which he refused, and told the said Jones that, if he should sign the treaty, he should look upon himself as no better than a thief; that then this deponent was told by a chief, William Jones, that he was astonished that he did not accept of the offers made by his brother, as the family into which this deponent had married did not belong to the Seneca nation, and of course, if the land was sold, would have no part of the avails; and further told this deponent that there was

no doubt but that the land would be sold, and that he had better provide for himself and family, by accepting said offers.

He however refused all the offers made him at the time, and this deponent further saith, that he has been repeatedly called upon in the night at his house, and requested to go to the tavern to make arrangements for himself and family, by signing the treaty and accepting the offers made to him by the company; and that his nephew, Little Joe, at one time offered him two hundred dollars in hand over and above the offers beforementioned, for his signature, saying that he was empowered to make such offers by the purchasing company; all of which this deponent has absolutely refused.

And this deponent further saith, that he has been informed that his name is attached to the assent to the Senate's amendments. To which this deponent declares, that he never did sign said assent, or make his mark thereto, and that if his name is so affixed to said assent, it is a forgery; and further saith not.

his
GEORGE x CONJOCEYTA,
mark.

Witness—S. G. Heacock.

Sworn before me, this 7th day of February, A. D. 1839.

H. A. SALISBURY,
Commissioner of Deeds for Erie county.

[No. 34]

Samuel Wilson, a chief of the Seneca nation of Indians, resident upon the Buffalo Creek reservation, being duly sworn, deposeth and saith: That while the council was held on this reservation last summer, he, this deponent, was called to Whipple's tavern, by one Fisher Pierce, professedly to settle some business in relation to damages done by the defendant; upon arriving at the tavern, he was requested to go to an upper room in said tavern, which he did; after some conversation with said Whipple, the Indian agent (Judge Stryker) came in, and entered into conversation with this deponent, and assured him that the treaty was ratified and the land sold; to which this deponent answered, that unless he signed his name to the assent presented by Gillett, his (the deponent's) former signature to the treaty was good for nothing. Mr. Stryker again assured deponent that he was mistaken, and that the land was sold, and urged deponent to give his signature to the assent, and accept of the offers of the company made to deponent, which this deponent says were reduced to writing at the time of the council last winter, and signed by H. B. Potter, and given to one Orlando Allen for safekeeping, and which, according to the best recollection of deponent, was in substance as follows: That provided this deponent would sign the treaty and deed, he should have a ten years' lease for one hundred acres of land on this reservation, free from

rent and taxes, and three hundred dollars in cash, to be paid three months after the ratification of said treaty ; and also, five dollars in hand." That then Mr. Stryker told this deponent that he was certainly mistaken, for the land was certainly sold ; and told this deponent that he would call up-stairs one Orlando Allen, who understood the matter perfectly, and leave the question to him, upon which, Allen was called, and he came into the room ; and this said Allen took from his pocket the agreement before referred to, and urged this deponent to make a new bargain, and provide for his family. This deponent then asked Allen why he wanted a new bargain, as Judge Stryker had just told him that the land was gone beyond recovery ; to which Allen replied, that the land was sold, but that the company had pity on them, and wanted to provide for them well hereafter ; to which this deponent replied, if the land is sold, why are the commissioner and superintendent holding council ? Whereupon, the said Allen and Stryker assured the deponent that they were right, and that deponent was mistaken ; and they requested and urged the deponent to give his assent, which he refused to do ; whereupon, they told him to set his price, as they were empowered to make a bargain with him ; upon which he, the deponent, told them that he would not set any price, and that he would not sign the assent at all.

Judge Stryker then offered this deponent fifteen hundred dollars for his signature, which this deponent refused ; Judge Stryker (the agent) then offered a suit of clothes for the deponent's whole family if he would sign, and provisions as much as he wanted, which he refused ; the judge then told deponent to ask as much money as he wanted ; if he wanted fifty or one hundred dollars in his pocket, as he went down stairs, he should have it. And further, the said Allen and Stryker told this deponent that he *must* sign, for he was bound by the agreement before referred to, which this deponent absolutely refused to do, agreeing, however, to tell said Allen and Stryker his determination at the opening of the next council. And then this deponent left them and returned to his house, about two miles from the said tavern, just at daybreak, having been detained in said upper room of said tavern all night, by said Allen and the Indian agent, Judge Stryker.

And this deponent further saith, that at the opening of the next council he was called, by said Pierce, to the upper room in one C. R. Allen's tavern, for the purpose of delivering to said Stryker and O. Allen his determination, according to his promise. This deponent then told said Allen that he should not sign the assent, and that he rejoiced that the Senate had given him an opportunity of undoing what he was in a manner forced to do the winter before ; upon which said Allen again assured this deponent that he was mistaken, that the land was sold, and that he had better provide for himself by accepting of the offers made him ; this deponent then

answered, that if such was the fact, there was no use in talking about it, and immediately left the room and went down stairs.

And this deponent further saith, that about two days after the foregoing conversation was had, he went to the agent to get some provisions for some of the chiefs who were putting up at the deponent's house, and that the agent left him in an upper room of said Allen's tavern, with the said O. Allen, who then reiterated his former offers, and his former assurances as to the absolute sale of the lands, and requested this deponent to hear the opinion of commissioner Gillett on the question; to which this deponent assented. Mr. Gillett immediately came into the room and took his seat by this deponent, and showed to this deponent a paper which he told this deponent was from the President, and that he would read it to him, which he did; the said Gillett read from said paper, that the land was sold beyond recovery, and assured this deponent that he must be mistaken; this deponent then told the commissioner that he had heard him say so before in council, but that he did not believe him. And this deponent further declares, that Mr. Gillett told him that he would see he was mistaken, and that he had better accept of the fifteen hundred dollars offered by said company, and provide for himself and family; and also, that the company's offer was made because they pitied his situation. This deponent then left the house.

And this deponent further saith, that the next morning he was met, on his way to council, by one John Jemison, an agent for the company, and offered, over and above the former offers made to him, two hundred dollars cash in hand if he would sign the treaty, which he refused.

And this deponenr further saith, that he has been informed that his name is affixed to the assent to the Senate's amendments; to which he declares, that he has never signed his name or made his mark, giving his assent to said amendments, and that if his name or mark is so affixed, it is a forgery. And further saith not.

his
SAMUEL x WILSON.
mark.

Witness—S. G. Heacock.

Sworn before me, this 7th day of February, A. D. 1839.

H. A. SALISBURY.
Commissioner of Deeds for Erie county.

[No. 35.]

William Jones, a chief of the Seneca nation, residing on the Buffalo Creek reservation, deposeth and saith: That, about the time, and according to deponent's best recollection, on the same day on which the last delegation started to go and explore the country beyond the Mississippi, designated for the New York Indians, Hora-

tio Jones, of Moscow, Genesee county, requested the deponent to cross the Buffalo creek with him near its mouth; and deponent accompanied him to the light house, where they spent the greater part of the day. Said Jones continued urging deponent to assist him in his efforts to effect the removal of the Senecas, and promising that deponent should receive a large amount of money in case he would consent to do so; and deponent not consenting, he at length promised deponent that, if deponent would assist him, he, in turn, would assist deponent to obtain a portion of his father's estate, and he thought they would be able to make out seven or eight, or perhaps fifteen hundred dollars. Deponent replied, "'Squire, I am sorry to have any connexion with so mean a man. If you and my brothers have any thing to give me, give it freely, and do not attempt by this means to draw me into such a disgraceful business, for I will do no such thing," or words to that effect.

After this, deponent was repeatedly urged, by different individuals, to aid the emigration cause, with assurances of receiving a large compensation for his services. About the time when Mr. Gillett first came to hold a council for the purpose of making a treaty with the Senecas, in consequence of difficulty with one of the chiefs, deponent was induced to hold conversation with the agents of the pre-emptive owners, in which conversation, General Potter informed deponent that he might have choice, to receive a bond from him or from the brothers of deponent, for the fulfilment of the contract.—This deponent then concluded a bargain with General Potter, and agreed to sign the treaty, in consideration of receiving a deed of two hundred acres of land, in a specified place, and five hundred dollars in cash, within three months after the ratification of the treaty by the Senate of the United States. And this deponent received bonds executed by deponent's brothers for the fulfilment of the contract. This was done, and deponent's name was affixed to the treaty at Allen's tavern, and not at the council-house. After this, deponent was kept at the said tavern many nights till very late, often till midnight, by the purchasing company, for the purpose of interpreting for them to such persons as their night runners might secretly bring in. And deponent was oftentimes called out in the night from his own house, to go and converse with different individuals; and once deponent was called up out of his bed in the night by General Potter, to go and call M. B. Pierce, that Potter might have an opportunity to converse with him. And, in one instance, Dr. Wilcox came to deponent's house, to make a bargain with a chief who was sick at deponent's house, and gave him $25 to sign a power of attorney for affixing his name to the treaty, and promised him more afterward. Gen. Potter also offered $50 to deponent if deponent would go and induce Seneca White to sign the treaty, but as deponent knew that said White had already determined to sign, this deponent thought it would be wrong to receive the money, and declined. Gen.

Potter also offered deponent $50 if he would persuade M. P. Pierce to sign the treaty, but deponent declined this also, for the same reason.

Soon after the commencement of the council last summer, James Wadsworth, agent for the Ogden Company, came to this deponent's house in company with Horatio Jones, and endeavored to influence deponent to sign the assent to the amendments. He first endeavored to do so, by making deponent believe that the Senate would take up the old treaty again and ratify it, without the amendments, in case the chiefs should refuse their assent to the amendments; and when deponent could not be moved in this way, he proposed to deponent that he would give deponent his own bond instead of deponent's brothers, as it would look better, and he would be more sure of collecting it. He also urged deponent to say what sum of money h would be willing to receive, instead of the two hundred acres of land for which he had received a bond when he signed the original treaty; and afterward urged deponent to say what amount of money should be added to the five hundred dollars then promised, in order that deponent should sign the assent, and go on and aid them in carrying the treaty into effect. And during the progress of the council, said Wadsworth did repeatedly and often urge deponent, in a similar manner, to espouse his cause. Deponent was also repeatedly urged, in a similar manner, by General Potter, Dr. Wilcox, and Judge Stryker, and deponent's brothers, and other persons in the company's interest, so that at last deponent felt constrained to tell them not to come into his house again for such a purpose, for deponent could not bear it any longer. After which they ceased to visit deponent's house, but still frequently sent him word that they were desirous of conversing upon the subject. And further this deponent saith not.

his
WILLIAM x JONES.
mark

Witness—S. G. Heacock.

worn before me, this 7th day of February, A. D. 1839.

H. A. SALISBURY,
Commissioner of Deeds for Erie county.

[No. 36.]

David White, a chief of the Seneca nation of Indians, resident on the Buffalo Creek reservation, being duly sworn, deposes and says: That while Commissioner Gillett was in Buffalo last fall, one John Jemison, (an Indian, and runner for the purchasing company) came to this deponent, and offered this deponent one thousand dollars cash in hand, provided this deponent would go down to Buffalo to the Mansion House, (a tavern,) and sign the assent to the Senate's amendments, which this deponent absolutely refused; And further saith not.

DAVID WHITE.

Witness: S. G. Heacock,

Sworn before me, this 7th day of February, A. D. 1839.

H. A. SALISBURY, *Commissioner of Deeds for Erie county.*

[No. 37.]

John Tallchief, a chief of the Seneca nation of Indians, being duly sworn, deposeth and saith: That last summer, about the time of commencement of the council held by Mr. Gillett, there was a meeting of the chiefs at the house of William Jones, which meeting this deponent started to attend; and on his way to said meeting, deponent met George Jimeson, a little before he arrived at Allen's tavern, on said reservation; and said Jimeson told this deponent that he had come to meet him, for the purpose of inducing this deponent to renew his arrangement with General Potter. This deponent replied, that he would not consent at all to converse with General Potter. Said Jimeson then told this deponent that the land was sold beyond recovery, and that, inasmuch as this deponent signed his name last winter, and they still had it upon the treaty, his signature would still be of full force, and have the same effect, as it did last winter. This deponent then replied, that he believes that his signature has ceased to have any effect, and that he is liberated from the engagement he then made, because the Government of the United States have sent back the treaty, with alterations, and have sent their commissioner, and the superintendent on the part of Massachusetts, to renew the negotiations. This deponent said further, that he would not give his assent to the amendments of the Senate; for this deponent signed the treaty last winter, with the full expectation that the Senecas would obtain certain timbered lands belonging to the Cherokees, because the lands appropriated to the New York Indians are mostly prairie, with an insufficient quantity of timber; but now it is fully ascertained that said timbered lands cannot be obtained from the Cherokees, and therefore this deponent will not on any account sign the amendments of the Senate. The said Jimeson then replied, that he spoke to deponent on this subject, because he loved and wished to promote his interest, and wished to have deponent receive money after the land was gone, and that if this deponent would make a new bargain with General Potter and Dr. Wilcox, that he should receive much more money than he was to receive by the bargain he made last winter. This deponent then replied, that he would now have nothing to do with this business. Said Jimeson then asked deponent, if he would rather not have a single penny when the land is gone. This deponent answered, "Yes, I would rather not have a single penny." Jimeson then asked deponent, if he could receive an order from the agent to procure provisions, inasmuch as rations are provided for all the chiefs who attend the council. Deponent replied that he would receive the provisions. Jimeson then requested this deponent to return with him to the tavern. Then Jimeson returned, and deponent followed behind slowly to the tavern, and stopped at the door, where Job Pierce, Little Joe, and Levi Halftown, were sitting. Levi Halftown then said to this de-

ponent, "Go in, you cannot help yourself now, you signed your name last winter." This deponent then told them, he was determined not to do any thing about it again. N. T. Strong then spoke from a window over-head, and called this deponent to come up stairs. George Jimeson also urged him to go up. Deponent answered that he was unwilling to go up. Job Pierce then said to this deponent, "You do not like then to have a single cent when the lands are sold." This deponent answered, that he should feel more contented not to receive a single cent. They then proceeded to urge this deponent to go up stairs. This deponent then asked Little Joe what he should do; and had Little Joe himself signed? Joe replied that he had himself signed, and "you can do as you please; just as you think best for yourself; every man must consult his own interest." Deponent then said he was unwilling to do any thing about it. They urged this deponent to go in, telling him that if he was still determined to adhere to his purpose, there was nothing within to turn him, and he might come out again safe in a little while. This deponent then went into the chamber, where he found General Potter, Judge Stryker, and Dr. Wilcox. Mutual salutations were then exchanged, when Judge Stryker said he would make out an order for provisions, which he did for a barrel of flour, and thirty pounds of pork, and gave to this deponent. General Potter then spoke to this deponent, requesting him to renew his engagement, which was entered into with him last winter. This deponent answered, that he could not do it, for last winter deponent understood that the Senecas were to receive good lands, and well timbered, beyond the Mississippi, whereas, it is known now that the timbered lands cannot be obtained, and the country is prairie, so that the case is now materially changed; and deponent can in no wise consent to any new arrangement; neither can deponent consent to go into that country should the people remove, but will only go to Grand River, in Canada. General Potter then replied, that "every one can do as he pleases about that; and if any one wishes, we can take his goods into the wagon, and carry him to Grand River, and let him get out there; or else, if he choose, take him to that Indian country." General Potter also then offered to give deponent one thousand dollars, if deponent would sign the assent to the Senate's amendments, to be paid to him in three months after the ratification of the treaty; at the same time telling this deponent, that he did not wish deponent to sign at the time, because there were older men whom he wished to have sign first in open council; and that after they had done so, there would be an opportunity for others to come and sign in the night, who might be unwilling to do so in open council; and that if this deponent would prefer to sign secretly in the night, he might come and do so; and that whenever this deponent should come and sign, he should receive one hundred dollars in cash, in addition to the above-men-

tioned one thousand. Gen. Potter then urged this deponent to return to the tavern where they were that evening to finish the business, and also urged deponent not to mock him by failing to do so, for that he (Potter) was a great man, and when great men make bargains or engagements, it is considered a great abuse for one party to mock the other by a failure. George Jimeson then said to deponent, "If any one inquires of you, answer him that you have signed the assent." And then he went on to urge this deponent to return that evening. This deponent replied that he probably should not return, for probably the chiefs would not be willing, as their minds were strongly fixed. Jimeson urged that deponent might do it secretly after dark, when no one is travelling about to observe him, or that deponent might give a power of attorney to any of the chiefs who should sign that day in open council, who might sign for him, and thus deponent need not be suspected. This deponent replied that he could not conceal himself in this way, for the opposition would also have their papers, and as soon as deponent should refuse to sign in opposition to the treaty, he would be at once suspected of having signed. This deponent then said, "I will go out now." Jimeson replied, "Be sure and return to-night." Deponent then returned to the council house, and directly after, Blue Sky, a chief from Tonewonda, called this deponent into the grove, and inquired of him if he had signed the treaty. This deponent replied that he had not signed, but that he had been invited to return to-night. Blue Sky then exhorted deponent to repent, and to refuse to sign, saying that many would be made poor and wretched if deponent should persist in signing, and it would be very hard to see him on one side with his pockets full of money, and a multitude on the other side destitute of every thing; and as he considered the case, he supposed him to be angry, and talked very hard to this deponent. This deponent then promised Blue Sky to comply with his wishes, and told him that as yet nothing had been done, only that deponent thought he would go in and hear. While this conversation was going on, the emigration party went into the council-house; and before this deponent and Blue Sky entered the council-house, the commissioner had commenced speaking; and as they came in, he was saying that every one ought to do just as he pleased, and decide freely for himself. Deponent was surprised when he contrasted this with the efforts which had just been made to bias the mind of this deponent. And after the commissioner had finished, those chiefs who were willing to sell came forward and signed the assent to the Senate's amendments. Sixteen persons signed publicly in open council. After this, one of the opposition chiefs desired the commissioner, Mr. Gillett, to stop and witness the signatures of those opposed to emigration. This Mr. Gillett refused to do. But the superintendent from Massachusetts consented to remain, and witness their signatures. Then sixty-four chiefs, according to this deponent's

best recollection, came forward and signed the remonstrance against the treaty. While this was going on, this deponent went forward for the purpose of signing the remonstrance, and remarked before the council that the commissioner had often said that every one should be allowed to decide for himself voluntarily, and it was this deponent's voluntary choice to sign the remonstrance. The superintendent from Massachusetts then inquired of this deponent if he had not signed the assent. Deponent replied that he had not. He then inquired if deponent had not signed a power of attorney for some person to sign the treaty on his behalf. This deponent then replied that he had not, and that he had only engaged to return to the tavern in the evening. Then two of the judges of the county court who were present, and the superintendent from Massachusetts, and another white man from Buffalo, said, let him put his name down; and this deponent then signed the remonstrance. This deponent further saith, that about two days after this he was awaked in the evening by a noise at the door, and White Seneca came in and told him that he had a carriage waiting for him at the door, and that the two commissioners were waiting for deponent at the tavern. This deponent replied, that he was unwilling to go, and thought it would be a sin for him to sign the assent after having signed the remonstrance. White Seneca then told this deponent, that if he should now go to the tavern, and sign in the presence of the superintendent from Massachusetts, it would have the effect to render null and of no effect his signature to the remonstrance; and that if deponent would do so, he should receive one hundred silver dollars immediately, and one thousand dollars in three months after the ratification of the treaty. He then urged this deponent very hard to get out of bed, and accompany him to the tavern. This deponent refused to comply. He then inquired if it was deponent's fixed determination not to sign. This deponent told him that he was resolved never to sign the assent. He then asked if deponent would prefer, when the land is sold, to go away without a single cent. This deponent replied that he would prefer to go without a single cent, rather than be scorned and censured by his people for signing. White Seneca still continued urging deponent to get up and go, saying, that he had all things ready, it would take but a little while to drive to the tavern, the business would be quickly finished, and they could drive home quickly, and no one would know it. Deponent's wife being sick, she requested deponent to give a light. And as soon as deponent had done this, Seneca turned his face from the light, and shortly after went out. The two following nights deponent stayed away from home, and deponent's wife informed him that some person called for him each night. The third night deponent stayed at home, but kept himself up stairs, and some person came and called for him this night also. This deponent further saith, that he has heard that his name is affixed to the assent to the Se-

nate's amendments; but if it be so, it was never put there by this deponent, nor with his consent or knowledge, nor hath this deponent ever signed any paper empowering any other person to sign said assent in his behalf, knowing or suspecting that to be the purport of such paper. And further this deponent saith not.

his
JOHN x TALLCHIEF.
mark.

Witness:—S. G. Heacock.

Sworn before me, this 7th day of February, A. D. 1839.

H. A. SALISBURY,
Commissioner of Deeds for Erie County.

[No. 38.]

William Cass, a chief of the Seneca nation, residing on the Buffalo Creek reservation, being duly sworn, deposeth and saith: That the agents and runners of the company who have been endeavoring to purchase the Indian lands, have, at divers times, urged this deponent to espouse their cause, and especially about the time when the commissioner of the United States Government, Hon. H. R. Gillett, returned to procure the assent of the chiefs to the Senate's amendments to the treaty; but this deponent continually refused, because this deponent believed it would not be for the interest of his people to remove to the western country. In particular, after Mr. Gillett's return, this deponent was frequently visited by Tall Peter, who told this deponent that he was sent by General Potter and Orlando Allen, and who, in their behalf, very earnestly urged this deponent to sign the assent to the Senate's amendments. He often urged this deponent to accompany him to the house of his son, James Young, for the purpose of conversing with General Potter, who, he said, was there waiting for him, but deponent continually refused to do so.

On a certain occasion, said Peter came and called this deponent, and told him that a certain paper had come to his son's house, which his son would read to this deponent. Deponent then went to James Young's house, where, instead of a paper or letter, this deponent found that Orlando Allen was there waiting for deponent. Said Allen then told deponent that he had been sent by General Potter to converse with deponent, and that it would have the same effect as if he should converse with General Potter himself. Allen then said his business was to induce deponent to make an arrangement to secure for himself some advantage from the business which was then going on, for the treaty was about to be ratified; for all that now remained was for the President and Secretary of War to affix their signatures, and the treaty would not again come before the Senate; and it was already known that the President and Secretary of War were in favor of the treaty, and would immediately

sanction it. This deponent then replied that he would not sign the amendments. Allen then told deponent that it was in vain for deponent to think of preventing the treaty from taking effect, for deponent could do nothing to hinder it; and that, if deponent persisted in refusing to sign, it was no matter, for they had already obtained signatures enough to ensure its ratification; and that Mr. Gillett had only returned because he had promised the Indians, at the close of the council last fall, that he would return again. There is not much more need of names, only for the sake of having all feel satisfied, and to give an opportunity to them to make some profit by it if they wish, for the names already signed are sufficient to ensure the ratification. He then told deponent just to make a bargain.—Deponent replied that he was unwilling to emigrate. Allen told deponent, that deponent could not help himself; still deponent could remain if he chose to do so, or at any rate he could remain ten years; and, at last he said deponent could stay as long as he lived, if that was deponent's wish, and that deponent might have two hundred acres of land, and that deponent might receive $2,000 after the ratification of the treaty, and that he would also give deponent three hundred dollars, cash in hand, in case deponent would sign the assent. Deponent then replied that he could not do it; that he was unwilling to sign. Allen replied, that it was useless for deponent to refuse, for this deponent's name was already written on the assent, and if deponent still refused to make his mark, some one else would make the mark against deponent's name and get the money, and deponent would get nothing. He then urged this deponent to sign, saying that any one of deponent's friends might otherwise cross deponent's name and obtain the money, instead of deponent. Deponent then said, "Well, I will do it, but I do not believe it to be right, and I do not wish the land to be sold; I do not do it freely and voluntarily, but because of these circumstances." Allen then requested this deponent to accompany him to Allen's tavern, where the commissioner was in waiting. Deponent replied, "Not to-night; wait till to-morrow first." Allen answered, that it must be done that night, because the commissioner was going to start in the morning, and there could be no opportunity unless it should be done that night, and urged deponent to go to the tavern with him immediately. This deponent then went to the tavern, and found there Mr. Gillett and General Dearborn; and Mr. Gillett wrote deponent's name on the paper purporting to be the assent, and deponent made his mark, and afterward the said Allen paid deponent the three hundred dollars which he had promised. Deponent further saith, that he regrets what was done that night exceedingly; and that it then was, and still is, deponent's wish that the land should not be sold, and deponent wishes to have his signature erased from the assent, or otherwise rendered of no effect by the Senate; and deponent is very sorry that he was tempted in the

manner above described; and deponent wishes to tell the Senate that he regrets it, and to request them to take off his name. And further deponent saith, that he is now ready to return to said Allen the three hundred dollars, provided his name is considered by the Senate as fraudulently obtained, and as invalid and of no use; and further saith not.

his
WILLIAM x CASS.
mark.

Witness—S. G. Heacock.

Sworn before me, this 9th day of February, A. D. 1839.

H. A. SALISBURY,
Commissioner of Deeds for Erie county.

[No. 39.]

John General, a chief of the Seneca nation of Indians, residing on the Buffalo Creek reservation, being duly sworn, deposes and says: That he is in the habit of getting intoxicated almost every time that he goes to the city, and has the money to do so. And this deponent further says, that near the close of the council, held here last summer by R. H. Gillett, Esq., he started one morning to go to Buffalo, and that as he came near to one Whipple's tavern, he turned aside and went to the city by a back road; and that as he came within one mile of the city, he was intercepted by Messrs. Job Whipple, the tavern-keeper, and George Fox, one of the runners of the purchasing company, who had discovered this deponent on said back road, as he passed behind said tavern, and was asked by said Fox where he was going. To which he replied, to Buffalo. "So am I," said Fox, "and I will be your company." Fox immediately got out of the wagon, and Whipple returned to his tavern with the wagon and horses; and Fox accompanied this deponent toward the city. They soon came opposite to a grocery, into which Fox asked this deponent; and, after some hesitation, this deponent went in, and then Fox asked him to drink, which he did.—They then continued their walk to the city. Fox asked the deponent into the Bull's-head tavern; this deponent, after a great deal of hesitation, went into said tavern, and went up stairs with said Fox, where he found one Orlando Allen in said upper room. Allen handed this deponent a chair, and went out, saying that he would return in a few minutes, which he did, bringing with him a bottle of rum, which he set upon the stand. Then the said Allen asked the company to drink his health, which they did. The said Allen then commenced conversation with this deponent, by saying to him, that the amendments of the Senate were so much more liberal to the Indians, than the provisions made in the treaty for them, that they must give their assent, and also congratulated this deponent on the fact that he (this deponent)

was one of those chiefs to whom the purchasing company felt a particular regard, and upon whom they were about to confer great favors. That notwithstanding he did not sign the treaty last winter, yet the land was gone, and that the company were willing to do something handsome for him, if he wished to provide for himself, by signing the assent to the amendments. To which this deponent answered, that he understood the whole matter, and that his mind was the same that it was last winter, determined not to make a treaty with the United States. Then Fox asked this deponent to drink again, as rum was provided for him; to which he assented and drank again with said Fox and Allen; upon which Allen left the room, and went down stairs, saying that Fox understood the whole matter and would explain it to him. Fox then assured this deponent that there were many professedly in the opposition party, who had made their bargains with the company, and would sign the assent and leave this deponent homeless, without any provision for himself and family and urged this deponent to accept of offers which might be made to him, as his only safe course. The said George Fox then told this deponent, that if he would sign the assent, he should be well clothed from head to foot, and his pockets filled with money, if this deponent so chose to have it. And after some conversation, this deponent told Fox that he did not wish to talk more with him on the matter; upon which Fox asked this deponent to drink. This deponent then told Fox that he was not dry and would not drink, that what was in the bottle was all-powerful and might bear him down upon the floor. Fox said that he had not drank much, and that he had better take another glass, as he could not discover that this deponent had drank anything. And, after much urging, this deponent stepped up to the bottle and drank again with said Fox. And as the deponent turned round from the bottle, he saw Judge Stryker, Indian agent, looking in at the door of the room, the door being open just far enough to admit Stryker's head. Upon the agent's seeing that this deponent saw him, he dodged back and closed the door; immediately Orlando Allen came in with some provisions on a plate, which this deponent ate. This deponent then told Fox that he should go out, but Fox objected to his doing so, unless this deponent left his hat in the room; and this deponent wishing to see how the liquor affected him, went out and found that he could walk very well. When this deponent came into the room again, Fox said that it was customary to drink after eating, so they each took another glass of rum. Sometime after this one of the company's runners, by the name of Little Joe, came into the room, as also the said Allen, and after some further conversation, the said Allen and Fox left the room. Little Joe then told this deponent that he had better go away, as he was not in condition to transact business. While the said Joe was in the room, this deponent went to the bottle and drank alone; Allen and Fox soon came in and Joe went out. Allen immediately took the

bottle down stairs and got it filled again with liquor. After drinking, this deponent believes he went away.

And this deponent further saith, that he has been informed that his name was affixed to the assent to the Senate's amendments. To which this deponent, now sober, not having drank any liquor for three days past, solemnly declares that he never so affixed his name to the assent, unless it was when he so was drunk that he did not know it, and has never since remembered it; and further saith that, if his name or mark is so affixed to said assent, it has been obtained fraudulently, and not with his sober free will and consent; and further saith not.

his
JOHN x GENERAL.
mark.

Witness—S. G. Heacock.

Sworn before me, this 7th day of February, 1839.

H. A. SALISBURY,
Commissioner of Deeds for Erie county.

[No. 40.]

Little Joe, a runner, of the Seneca nation of Indians, resident on the Buffalo creek reservation, being duly sworn, deposes and says: That in a former affidavit made by this deponent, he omitted to state some facts. First, That there were frequent meetings of the purchasing company, with those who were hired as runners, to devise means to accomplish their (the company's) purpose; that at such meetings their was a bounty of $40 premium offered to such runner as should obtain the signature of chiefs, to papers said to be powers of attorney, made either to the Indian agent, or one of the company, or one of the emigrating Indians; said power empowering said agent, member of said company, or Indian, to affix said chief's name to the assent to the amendments, And further saith, that the runners were instructed to leave no means untried to obtain the signatures of chiefs to said papers, especially with such as could be worked upon by liquor; and farther saith not.

his
LITTLE x JOE.
mark.

Witness—S. G. Heacock.

Sworn before me, this 7th day of February, 1839.

H. A. SALISBURY,
Commissioner of Deeds for Erie county.

[No. 41.]

The subscribers, chiefs of the Seneca nation of Indians, resident on the Buffalo Creek reservation, being duly sworn, depose and say:

That they have been informed that some of the names of chiefs who belong to the party opposed to emigration, are signed to the assent to the Senate's amendments, presented by Ransom H. Gillett, Esq., commissioner for the United States to make a treaty with said Seneca nation, by which they should agree to go to the west within five years from the ratification of said treaty ; and further say that they believe the commissioner has been imposed upon in manner following, to wit:

First: the agents of the Ogden Company have taken private Indians to the commissioner, pretending to him that they were chiefs, and have hired them to mis-name themselves, by adopting the names of chiefs in the opposition, and have so obtained many names now affixed to the aasent to the Senate's amendments, now in the hands of the President.

And second: that there are numerous warriors who are of the same name with chiefs, who may have been hired to sign their names, and the commissioner, not knowing who were chiefs, might in this way have been imposed upon.

And third. They have no confidence in the supervision of their agent of the signatures, as they believe him to be as ready to deceive as any of the agents of the company before mentioned.

The undersigned do, therefore, solemnly depose, that they are chiefs of the Seneca nation of Indians, and severally declare that they have never signed their names or made their marks to the assent to the Senate's amendments, knowing what they did at the time; and further say not.

Big Kettle	his x mark.	Johnny John	his x mark.
Wm. Crouse	his x mark.	John General	his x mark.
Harry Two Guns	his x mark.	Mark Charles	his x mark.
Jacob Bennett	his x mark.	Jack John	his x mark.
Daniel Two Guns	his x mark.	John Kennedy	his x mark.
David White	his x mark.	Sky Carrier	his x mark.
Wm. Jones	his x mark.	Samuel Wilson	his x mark.
George Kenjockety	his x mark.	John Tall Chief	his x mark.
Joel Hemlock	his x mark.		

Sworn before me, this 7th day of July, 1839.

H. A. SALISBURY,
Commissioner of Deeds for Erie county.

[No. 42.]

I, Major Jack Berry, one of the chiefs of the Seneca nation, residing on the Buffalo Creek reservation, having this day been told that one Orlando Allen and one Seneca Jones, have both made affidavit, that in the month of January, A. D. 1838, they called upon me pursuant to a promise made to said Allen, that I would sign a treaty with the United States, by which the Six Nations of Indians

agree to accept a large tract of country west of the State of Missouri, and to emigrate to the same, &c., and that then and there I told him that I was willing to sign the treaty, but that I dare not do so in consequence of threats from warriors of the said Seneca nation; that if I did sign it they would knock out my brains, or words to that effect; that I the said Berry might hereafter sign the treaty, but that I dare not do so at the present time, "on account of said threats:" to all of which I wish to say, that I never did say that I was willing to sign the treaty, and that I never made to any person or persons a promise to sign the treaty, and that I never made, as my strong reason for not signing, the threat of said warriors; and moreover, that no warrior ever did make such threat to me. But, on the contrary, I have always been opposed to emigration, and to the disposition of our lands to the Ogden Company, and that I told said Allen and Jones of the threat spoken of, for the purpose of showing the feeling of the nation on the subject of emigration and the disposition of their lands; and moreover, that I have been repeatedly solicited to sign the treaty, but have as often refused, and the following is a recital of some of such solicitations. Last winter I was offered money for my signature, by the said Allen, who was acting for the Ogden Company, and at the same time at which he says I told him of my fear of the threat of the young warriors, which conversation was at my house, the said James being at the same time present; and about the same time I was solicited by Indians said to be in the employ of the agents of the Ogden Company, to come to the tavern near the council-house, where the commissioners and the agents of said company were in constant attendance; one of these requests was made to me at my house, some two or three miles from said tavern, one morning before the break of day, the messenger saying that H. B. Potter and Orlando Allen, with our agent, Judge Stryker, had sent him with horses and sleigh to request my attendance. I then refused, and did not go. I have told the said Allen at different times that I would not say any thing to him on the subject, and at one time was so importuned for my signature, that I left my own house and went to a neighbor's to get clear of his solicitations; and I have been also importuned by the said Allen, accompanied by Judge Stryker, our agent, at my dwelling, this summer, since the session of the present council. I told them then, as always, that "I never will sign the treaty or amendments;" upon which they both offered me a residence here and my support as long as I lived, if I would sign the assent to the amendments now before the council; that they did not wish me to go to the west, but that I should have my own residence and support secured here as long as I lived.

And further, I wish to be distinctly understood, that I do not now act, nor have I ever acted, in the withholding of my signature, in fear of the threat spoke of, but have and do now act, believing it to

be for the best interests of those I represent, not to accept of the offers of either the Ogden Company, or the Government.

his
MAJOR JACK x BERRY.
mark.

Witness—S. G. Heacock.

Sworn before me, this 7th day of July, 1839.

H. A. SALISBURY,
Commissioner of Deeds for Erie county.

[No. 43.]

Daniel Two Guns, a chief of the Seneca nation of Indians, residing on the Buffalo Creek reservation, in the State of New York, being duly sworn, deposes and says: That he has been informed that his name is affixed to an order for a part of the New York annuities for the year 1838; and this deponent now says, that if his name is so affixed, the same is a forgery, and that he never did sign an order for any of the New York annuities: and further says, that he has been informed that a part of the New York annuities for 1839 has been drawn on an order of four of the emigration chiefs, and that the agent has received the said annuities: and this deponent says, that neither he nor the party opposed to emigration have received any money from said annuities; and that the money, if so drawn, is either in the hands of the agent or of the emigration party: and this deponent further saith, that, while a delegation from his nation was at the west, exploring the country, he entered into an agreement with H. B. Potter, in which he agreed to aid the purchasing company in the purchase of the lands belonging to the Seneca nation; for which Potter agreed, under his hand, to pay this deponent two thousand dollars three months after the ratification of the treaty, and to give him a life lease of one hundred and fifty acres of land on the Buffalo Creek reservation; and that while R. H. Gillett was holding a council with the chiefs of said nation, in the year 1837, on account of the reports brought from the western country, this deponent refused to sign the treaty and deed, whereupon the said Potter offered this deponent four thousand dollars; and then the former agreement was burnt up, and a new one entered into, under their hands, in which Potter agreed to pay this deponent four thousand dollars three months after the ratification of the treaty; and this deponent further saith, that while the emigration chiefs were in council with the Ogden Company as to the price of their lands, the chiefs asking $2 50 per acre, the Ogden Company offering about $1 80 per acre, this deponent was taken by H. B. Potter into another room, and was told by said Potter, that if he would sign the treaty, and say no more about the price of the land, he would give him two hundred dollars in hand, and three hundred dollars three months after the ratification of the treaty, in addition to the four thousand dollars before mentioned; to which this depo-

nent agreed, and did sign the treaty and deed, and was paid the two hundred dollars by the said Potter; and this deponent has been often solicited by the purchasing company to hold conversation with them, but always refused.

And this deponent further saith, that he, with one John Kennedy, was appointed to accompany Charles R. Gold, to Washington, and to carry the papers upon which the Indians opposed to emigration rested their defence; and that he, about the middle of January, 1839, on the evening before they started for Washington, went to the office of said Gold, and received a carpet bag from the hands of said Kennedy, which he supposed to contain the said papers; that he took the said bag and went to his lodgings, and when he went to his room he covered it up with his clothes, and locked the door and went to bed: in the morning he found the bag undisturbed; that he then took the bag with him into the stage, and kept it with him all the time; taking it with him to his meals, keeping it in his hand all the time while not in the stage, except at his meals, and keeping his foot upon it then, and while in the stage. When the delegation arrived at Geneseo, Gold requested this deponent and Kennedy to stop until evening, which they did. Sometime in the morning, Mr. Gold, with James Wadsworth, (the agent of the Ogden Company,) came up to the tavern at which this deponent had put up; and Wadsworth said to this deponent and Kennedy, that if they would go home and abandon the defence against the treaty, he, Wadsworth, would pay them any amount they might name, stating that the treaty had already cost the Ogden Company a great deal of money, and that he wished it ratified; to which this deponent made no answer; that Wadsworth and Gold then went away, and in the afternoon Gold came back to the tavern, and inquired for the bag, in order (as he said) to get a vest: this deponent then handed Gold the bag, which was opened in the presence of said Kennedy, Gold, and this deponent; that Gold then put his hand into the bag and took out some old clothes and some old newspapers, telling this deponent and Kennedy that, just as he expected, they had lost the bag, and that if they had left the bag with him, all would have been safe: this deponent then told Gold that he had not lost the bag, but that this was the bag which he had received at Gold's office in Buffalo; that Gold then told this deponent and Kennedy that they had better go on to Washington without the papers, and that they could defeat the treaty without them, which this deponent refused to do; that then this deponent and Kennedy came back to the city of Buffalo, and Gold went on to Washington; and after a lapse of about three weeks, this deponent went on to Washington with as many papers as he was able to collect while at home; and further saith not.

DANIEL TWO GUNS.

Subscribed and sworn before me, this 31st day of August, 1839.

H. A. SALISBURY,

Commissioner of Deeds for Erie county.

[No. 44.]

John Kennedy, Jr., a chief of the Seneca nation of Indians, resident upon the Buffalo Creek reservation, being duly sworn, deposes and says: That he was appointed in January, 1839, as a delegate from his nation, with Daniel Two Guns, to accompany Charles R. Gold, to Washington, to oppose the ratification of the treaty, and to carry the papers upon which the nation rested their defence against said ratification; and that the day before the delegation started from the city of Buffalo, he, with some of the chiefs of said nation, went to the office of said Gold, and having inspected the papers, found them all as they should be: that then one S. G. Heacock (who had been invited to accompany the chiefs to said Gold's office) put up the papers, and put them into a carpet-bag in said Gold's office: that then Gold and himself went out to get an oyster supper, Glod leaving nobody in the office; that when they returned they found in Gold's office Daniel Two Guns; and this deponent further saith that he has seen the affidavit made by Daniel Two Guns, drawn up this day, that sets forth the facts in relation to their journey to Geneseo, and their return to Buffalo; and further saith that James Wadsworth, the agent for the Ogden Company, has often offered him a warranty deed of two hundred acres of land for his influence and exertions for the emigration party; and further saith not.

JOHN KENNEDY, Jr.

Subscribed and sworn before me, this 31st day of August, 1839.

H. A. SALISBURY,
Commissioner of Deeds for Erie county.

[No. 45.]

William Jones, a chief of the Seneca nation of Indians, being duly sworn, deposes and says: That he has before made affidavit, in which he stated that he was to have two hundred acres of land for his name to, and exertions for, the treaty and deed; and this deponent further saith, that when he heard of the amendments made to the treaty, by the United States Senate, he was opposed to the ratification of the treaty and the sale of the lands of the nation; and that he has been repeatedly called upon by James Wadsworth, the agent of the Ogden Company, who has offered him as follows: That, provided this deponent would give his assent to the amendments, he (Wadsworth) would give this deponent his bond for the two hundred acres of land agreed to be given this deponent by his brothers, or in place of the land, any price he should ask, up to fifty dollars per acre, making ten thousand dollars, which should be secured to this deponent by his (Wadsworth) personal bond; all of which this deponent refused; and further saith not. his

WILLIAM x JONES.
mark.

Subscribed and sworn before me, this 31st day of August, 1839.

H. A. SALISBURY, *Commissioner of Deeds for Erie county.*

[No. 46.]

Seneca White, a chief of the Seneca nation of Indians, resident on the Buffalo Creek reservation, and in the State of New York, being duly sworn, deposes and says: That he did, in company with some other chiefs, sign an order for the moneys due the Seneca nation of Indians from the State of New York, in the year 1837; and that said order was given to Judge Stryker, Indian agent, to draw the money upon, but that the said money, to this deponent's knowledge, was never paid to the Seneca nation. This deponent then, with other of the chiefs of his nation, remonstrated to the Government against the course pursued by their agent: and this deponent further says, that he has been informed that his name was affixed to an order for the New York annuities for the year 1838; and that, if such is the fact, the same is an unqualified forgery; and this deponent has been further informed, that the New York annuities for 1839 have been drawn by the agent, on an order of the emigration chiefs, one cent of which has not been received by the nation; but which, if so obtained, has been kept either by the agent or the emigration party; and he further saith, that the party opposed to emigration has not received any of the moneys due from the State of New York for the three years last past. And this deponent further saith, that while R. H. Gillett, Esq., was holding council with the said nation in the fall of 1837, he entered intered into an agreement with H. B. Potter, under their hands, by which H. B. Potter agreed to pay this deponent three thousand dollars, to be paid in three months after the ratification of the treaty, and that this deponent did then sign the said treaty; and this deponent further saith that when the Senate sent the said R. H. Gillett to the said nation, with the amended treaty, in 1838, to obtain the consent of the chiefs to the amendments, this deponent was then opposed to a removal of his nation, and to the sale of their lands: that then H. B. Potter came to this deponent and offered him, in addition to his former agreement, one thousand dollars, provided this deponent would give his assent to the amendments, which this deponent refused: that then H. B. Potter asked this deponent for his agreement which he refused; but after some conversation it was agreed that the said agreement should be destroyed, which was done. And this deponent further saith, that in the fall of 1838, while Mr. Gillett was receiving signatures to the assent to the amendments of the Senate, at a tavern in the city of Buffalo, one George Jemison, in the employ of the purchasing company, came to this deponent's house and offered him General Potter's agreement, for six thousand dollars, to be paid in three months after the ratification of the treaty, and a life lease for as many acres of land as this deponent should name, provided this deponent would come down to this city and sign his name to the assent, then held by R. H. Gillett, Esq.; all of which this deponent refused. And this deponent further saith, that

R. H. Gillett, the commissioner, agreed that one thousand dollars should be paid to him, provided the treaty should be ratified; and further saith not. SENECA WHITE.

Subscribed and sworn before me, this 31st day of August, A. D. 1839. H. A. SALISBURY,

Commissioner of Deeds for Erie county.

[No. 47.]

Henry Two Guns, a chief of the Seneca nation of Indians, residing on the Buffalo reservation, being duly sworn, deposeth and saith: That, in 1837, he signed his name, as one of the chiefs of the Seneca nation, to the order of James Stryker, Indian agent, authorizing him to draw the New York annuity on behalf of the nation; and that this annuity so drawn by the agent by virtue of the order so signed, was never paid over to the nation, but was retained, as this deponent believes, in the hands of said Stryker. He further deposes that he did not sign his name to the orders by which the annuities were drawn in the years 1838 and 1839, and that the annuities drawn by the said Stryker for those years have never been paid over to the nation, but have been applied, as he fully believes, to the said Stryker's personal uses; and that the annuities thus withheld, amount to between three and four thousand dollars for each year; and further saith not.

HENRY TWO GUNS.

Sworn and subscribed before me, this 31st day of August, A. D. 1839. H. A. SALISBURY,

Commissioner of Deeds for Erie county.

[No. 48.]

Mark Charles, Sky Carrier, John Tall Chief, John General, and George Kenjukeyda, (or Conjocety,) chiefs of the Seneca nation of Indians, resident in the western part of the State of New York, being duly sworn, depose and say: That they have been informed, that their names are affixed to powers of attorney, empowering some one to affix their names to the "assent to the Senate's amendments;" and these deponents now declare that, if their names are affixed to any paper in which their assent is given to the amendments, or to any writing representing them to be in favor of a removal of their nation to the west, the same is a wilful and unqualified forgery; and further saith not.

MARK CHARLES, his x mark.
SKY CARRIER, his x mark.
JOHN TALL CHIEF, his x mark.
JOHN GENERAL, his x mark.
GEORGE KENJOCETY, his x mark.

Subscribed and sworn before me, this 31st day of August, A. D. 1839. H. A. SALISBURY,

Commissioner of Deeds for Erie county.

[No. 49.]

Mark Charles, a Seneca chief, residing on the Buffalo Creek reservation, being duly sworn, deposes and says: That a little after the delegation from the opposition party had started for Washington last winter, an Indian by the name of John Jimeson, employed as a runner for the purchasing company, came to the house of this deponent in the night, in company with a white man by the name of Benjamin Dole, a friend of Judge Stryker, and at whose store most of the provisions used by the Indians, in the time of Gillett's council, were purchased; and both of these persons advised and urged this deponent to make an agreement with the purchasing company, alleging, as a reason, that it was too late to oppose, for we could now do nothing of any avail, for the land is all sold.—This deponent replied that he was reluctant to hold conversation with them on these points in the night time, but only in the daylight. They then urged this deponent to get into their carriage and ride to Whipple's tavern, where they said that Orlando Allen, Dr. Wilcox, Judge Stryker, and General Potter, were in waiting to make the agreement, and others to witness it. This deponent then replied that he would not go with them to such a place, and for such a purpose, in the night time; that this deponent was moreover much displeased by what they were doing, running here and there through the reservation in the night time. This is not the way with wise men, to prowl about in the night time only, with a view of tempting men. The said Dole then replied to deponent, Only just go there for a little while; in two hours you shall be back again to your house. This deponent replied, You are crowding upon me too hard, but you will not prevail, for I shall not accompany you to Whipple's to-night, and you had better now just go along about your own business, especially if you are not willing to talk with me in the day time. But in case you should be willing to talk in the day time, you can then come back, and I will converse with you. Dole then urged this deponent to be calm, and said, These men are the servants of the pre-emption company, and it is best to treat them decently, and if you will go to Whipple's, you shall not loose anything by it, for as soon as you get there, you shall be paid five dollars. Deponent replied, I do not like your proceedings—you treat me like a little child—your proposals cannot be complied with—you had better start—I will talk with you no longer—this is all. Dole then answered: Well, I will return, but as soon as you have an opportunity, as you are daily in the city, call in and let us there have further conversation. Only this I tell you, as my last words to you, I think you have lost greatly by the course you have taken; you have lost the money you might have received, and you have also lost your lands, and your wife, also, has lost in the same manner. Deponent replied, I also will give you my last word; I have not given up our land, and I will

not give it up; I will hold fast the possessions of the nation; and one thing is very plain, you man-hunters will not scare me to give it up. Dole then replied: Well, I will go home now, but you must certainly call on me in Buffalo, whenever you come there. Deponent replied: Well, I always go to all places of public resort, still I shall retain my own power of choice upon the subject. Then they departed from the house of this deponent.

Three days after, this deponent started to go to Buffalo to get his horse shod; on coming to the Sulphur spring, he met a boy sent by John Jimeson, to call this deponent. Deponent asked him, Who else besides Jimeson wants to see me? He replied, Orlando Allen is there, and wishes very much to converse with you. Deponent replied: He can talk with me if he pleases, for I am now going to Buffalo. The boy then returned, and deponent passed on to Buffalo. On arriving at the Hydraulic tavern, near where deponent's horse was to be shod, John Jimeson came along, and urged this deponent to go and converse with Allen. Deponent replied: He can have the liberty of saying to me what he pleases—he must choose for himself. Jimeson replied: But I will tell you a little what you may expect to hear from him. He wishes to talk on the subject of your being so hard in your opposition. Deponent then said nothing, and went to the Indian blacksmith shop. Soon after, Jimeson came, and said: I have come to call you; yonder is Allen, let us go and talk with him. Deponent replied: Let him come here, we shall not be likely to talk long. Jimeson then went back, and soon after he and Allen came to the blacksmith shop, and called deponent a little aside, and Allen said, Let us cross the street and go up stairs, there is a very good room there, where we can converse a little while. Deponent said, We can just as well talk here by the side of the way. Allen replied, Just come up for a moment or two, and then you can come down again. Deponent then went up with them into a room, where he was alone with these two persons, Allen and Jimeson. Then Allen said, I only wish to get you to think of your own interest, and to deliberate on the way in which you are to enrich yourself and your children, and your wife. It is not necessary for me to go back far, for you well understand all these matters. He also said, You shall be very well satisfied, for there is no failure about the pre-emption company. They can pay all they promise, and you shall be abundantly satisfied. Only you shall just name whatever great amount of money; the pre-emption company are good men, and they will let you have any sum whatever that you shall specify. And as to the land, perhaps you will like to remain here, and let the others go beyond the Mississippi; just state how many acres you would like to reserve for yourself, and it shall be yours. Only do not push away from yourself such a grand opportunity of becoming very rich. You shall be very happy; you shall have nothing to do but to stay in your house; and you shall be able to build a new splendid house for

yourself, and to hire your servants to work for you, while you sit within and enjoy it. Allen said, Moreover, I should like to have George Jimeson come in. He is out seeking for some person; just let him come in and be present with us, and let General Potter come in also. Deponent then replied, I do not wish them to come, either of them. Allen then rose up and stepped to the door and spoke, and some one immediately ran and called Potter and George Jimeson. Deponent said, I will now reply; I now understand what your wishes are. But you must understand, on the other hand, that I shall pay no attention whatever to these things which I have now understood. There is too much cheat and fraud about this business that you are now doing. I fully understand all your proceedings, and I also fully understand the situation of things at Washington, in relation to this business. I believe the men who have our business in charge there, fear God, and will by him be enabled to do right. This, which you are at work upon, is not a living thing yet, and will not live perhaps. Now, therefore, I fully apprize you that I will have nothing to do with the business. Thus far deponent spoke. Allen then replied, O my friend, you are a very wise man, and a very good man, but do carefully consider these things which are going on; be very candid and discreet in deliberating what you shall do. Deponent replied, I will indeed be candid—I will consider. But what I have said to you, I have already looked at thoroughly. But I have especially considered thoroughly all the interests of my people, the Seneca nation, and I am thoroughly convinced that the Secretary of War, and the men who manage Indian affairs at Washington, are good men, and this is sufficient, for you now understand my mind. Just as deponent had finished saying this, Potter and George Jimeson came up into the chamber; and as soon as they were seated, General Potter said, I will now speak. Deponent replied, Just as you please, speak if you choose to do so. Then he spoke, and commenced where Allen had commenced, and spoke the same things as Allen had just spoken, as above stated. As he finished, deponent said, Have you now got through what you wish to say? if not, you had better stop here—this is enough. George Jimeson then spoke, and said, This man, meaning deponent, is my brother; let me say to him, consider candidly all the offers which these men have now made to you. Deponent replied, You probably do not know the conversation I have just held with this man, (meaning Allen,) but I have been candid in all which I have replied to him, and I cannot have any thing further to do with this business. So now then I will go home; and deponent then rose up to go. Then all present rose up also, and came down stairs, and deponent went again to the blacksmith's shop where he had left his horse to be shod.

About five days after this, as nearly as deponent can recollect, deponent was in Buffalo again, and saw John Jimeson there in the city, who said to this deponent, I will now benefit you; come and

talk with Potter and Allen. Deponent answered, About what shall we converse? Jimeson replied, About the public business. They are in the store of Benjamin Dole; let us go in and talk a little there. Deponent then went in, and they told over the same story again, just as they had done before. As soon as deponent had understood what they were at, he replied, I do not wish to talk with you any further about this business. Then Dole replied, Well, this will do for the present, only let us go to General Potter, and talk the matter over there a little further. Deponent replied, I have no objection to talking with him, only I suppose the subject matter of his conversation will be what I dislike. We then went to see Potter, and went up into the chamber where he was. He was present when we came in; Potter spoke first, and said, Do you wish now to enter into an agreement? Deponent replied, What agreement? Potter replied, In reference to this business of the pre-emption company. Deponent then said, Where is the man who has the control of the company's business, in this house? Potter replied, I am the man; I act as agent for the company, and whatever I do will bind the company as if they had done it themselves. Deponent replied, But will the company do according to your words, and feel themselves bound to conform to them? Potter replied, They will do every thing which I promise; and, moreover, as soon as you shall enter into agreement with us, here in this drawer is money, and it is very good money, and I will put in my hand and pull it out, and put it into your pocket. Deponent replied, That is not the object for which I have come, to get money slipped into my pocket. Potter then replied, Only just sign a little paper then, and let your name be put upon the treaty, and you shall have land for yours, and you shall remain at Buffalo, and the rest of the people shall emigrate. Deponent then replied, But what then? How shall it be done? Shall I sign a paper giving up the land of the nation, and yet stay at home, while others, who still hold on upon their land, and will not sign, shall be driven away from their land into the western country, by my signing? Is that the fair way to do business? No: as I understand right and wrong, let those who are willing to sign and sell out their country, go; and let those who are unwilling to sign and sell out the Seneca nation, remain. This is what my sense of propriety teaches me. The Senate never will sanction the driving away of those who have never relinquished their possessions here; for I believe the officers of the Government, the Secretary of War, the President, and the Senate, are people who understand what is proper, and I believe they are good people. Thus far deponent spoke. Then General Porter replied and said, Nevertheless, I will draw up a paper, and you shall be exceedingly well pleased with the paper which I will draw up. You shall see it when I have finished it, and see if you do not like it. Deponent then replied, But do you not understand what I have said all along, that I will have nothing to do with this business? You seem not to understand it,

but I do not wish you to draw up a paper; I will not give you any encouragement of attending to it; I will only say, Do not make it; now, then, I am going home. Deponent then came out and started for home. This was the last thing which took place on the subject. We had no further conversation till some time after our delegates had gone to Washington, when we received back letters from them; and, in one of those letters, it was stated that our friends at Washington had seen this deponent's name there, attached to an agreement on a paper, said to have been made at Buffalo. This exceedingly surprised this deponent; and this deponent, meeting with John Jimeson soon after at Whipple's, inquired of him as follows: The letter from Washington states that my name is affixed to a power of attorney, empowering you to sign the treaty in my behalf. When did I ever give you such a power of attorney? John Jimeson then replied, I never knew of your giving me such a power of attorney. Deponent then replied, I have thought that if this is a true report, that you have sent such a paper to Washington, in consequence of which my name has been put upon the treaty; it will be your duty to cause my name to be immediately withdrawn from the treaty. John Jemison then replied, I wish you not to believe it; it is by no means true. Deponent replied, Why then does this statement come back to us in the letter of our delegation? John then replied, It must have been made out at Washington, for I have never done any such thing here. Deponent then replied, The men at Washington know too much to be guilty of a forgery. This is the place where wickedness is manufactured, and then it is sent from here to Washington. But I will tell you what I think about it: if it is true, it is just as bad to steal a man's name in this way, as it would be to steal his property outright, or to obtain it by forged papers. Jimeson then replied, but I hope you will not have this opinion of me. I never had anything whatever to do with this matter. I never stole your name, or any other person's, nor have I ever had any knowledge of the fact that your name was stolen. Seth G. Heacock, of Buffalo, was present, and heard these statements of said John Jimeson, at Whipple's tavern; and while deponent was meditating what to say further, Jimeson got into his wagon and drove away towards home. Deponent also had conversation with White Seneca, upon the same matter, a little previous to the meeting of the council at Cattaraugus. Meeting him in Buffalo, near the Bank of Buffalo, said Seneca said to deponent, Let us have a little conversation, for we are of the same mind; do not pay any attention to what they are saying about your name having been by wrong means attached to the treaty. Deponent replied, I do not know by what authority you say that we are of the same mind; I don't wish to go west; I mean to remain here, and I don't wish that the Senecas should emigrate. Seneca replied, Well, you can't help yourself now, your signature is there among the printed papers of the Senate, along with the others, and it is now of no use

to you to say anything against it. You can't do anything to help yourself. Deponent replied, I never signed anything which could furnish a pretence for this wickedness. I believe the officers of the Government are wise and good men. I do not believe there is any danger that they will sanction a downright forgery, or that they will be so blinded as to be made believe a forged signature genuine. White Seneca then replied, Ay, well, you can't do anything, there is no chance for you. Deponent then replied, But what, do you pretend that it is true that I signed such a paper? Seneca said, Yes, it is true. Deponent said, But when did you ever know me to be a liar? When have I ever deceived any one by a falsehood? Seneca replied, Never, since I knew you, and if you will declare that it is a forgery, I will believe you; only let us make haste and make peace on the subject before the Secretary of War comes, and let us find out the liar, and have the whole matter disclosed before the council. Deponent then replied, I have no wish to make peace with you, but I do wish to have the testimony produced, and let the wickedness be proved out against the guilty, for I have now done with talking with these people. I do not like to have to do with them in the least any more. White Seneca replied, Well, just as you please. I, for my part, am now convinced that you did not do it; and thus the conversation ended.

MARK CHARLES, his x mark.

Subscribed and sworn before me, this 31st day of August, 1839.

H. A. SALISBURY,
Commissioner of Deeds for Erie county.

[No. 50.]

John Hudson, a sachem of the Six notions of Indians, resident on the Buffalo Creek reservation, being duly sworn, deposes and says: That in the month of December or January last, this deponent was called upon by one John Jimeson, a runner for the purchasing company, Potter, Allen, Wilcox and Co., and was asked to bear the following message to an Indian by the name of Joseph Dudley, viz:

That if said Dudley would forge the name of Adam Doxtator to a power of attorney, empowering some one to sign his (Doxtator's) name to the assent to the amendments, and bring to the commissioner said power of attorney so forged and negotiated by himself, (Dudley,) and swear that the name so forged was voluntarily made by said Doxtator, that then, said Dudley should be paid for so doing twenty-five dollars in goods, from the store of Holister & Brown, in the city of Buffalo; and further saith not.

JOHN HUDSON.

Subscribed and sworn before me, this 31st day of August, 1839.

H. A. SALISBURY,
Commissioner of Deeds for Erie county.

[No. 51.]

John Snow, a chief of the Seneca nation, residing on the Buffalo Creek reservation, being duly sworn, deposeth and saith: That on or about the —— day of December, A. D. 1838, this deponent went together with his son, to the flouring mill at Black Rock dam, to get a grist ground, his mind being occupied solely with the business which he had in hand, and having finished that business, on his return he was met a little below the road which leads to the ferry across the Niagara river, by James Stephens, or Stephenson, as he is sometimes called, and his son Moses Stephens, in a buggy; and after mutual salutations, the said Stephens inquired of him, the said deponent, if he had been at the mill; he replied he had; he then inquired the price of flour, and deponent answered $4 50 per cwt. The said Stephens then said to his son, "We had better turn about, for flour is just as cheap at Buffalo as it is at Black Rock dam." They accordingly returned, and just as said deponent was passing the said road to the ferry, they, Stephens and son, rode past him towards Buffalo, and were soon out of sight, and when deponent came over Prospect hill, they could not be seen before him. But when deponent had reached about the middle way between the latter place and the city of Buffalo, he found the said Stephens standing by the side of the road, who told deponent that he wished to speak with him; and deponent having asked him to get into his wagon, he said that he could not help speaking to him upon the business now in consideration among the chiefs, because he loved the said deponent, and being aware that the treaty would go into effect, he was unwilling that deponent should lose any thing by it, and he should advise him to husk some provisions for himself and family. Deponent answered, "It is very well that you have introduced the subject, for I have felt very uneasy about it, because they would not stop urging our people to sell our lands." Stephens then told deponent that Judge Stryker told him to tell deponent that he, Stryker, loved deponent, and wished to see him at his house, and that he would there explain the whole business to deponent, and let him see that the treaty is going on, and will be carried into effect. Stephens then asked deponent to appoint another time. Deponent answered, "If I should set another time, perhaps I will not be there." But just as deponent came into Main street in Buffalo, Judge Stryker passed along. "Now," said Stephens, "this is a convenient opportunity, for Stryker is here." Then both Stephens and Judge Stryker urged deponent to go to Judge Stryker's house. Deponent replied that he would go, but was unwilling to go alone, and wished to be accompanied by his son, who had during the conversation stepped into a store. Whereupon Stephens told deponent to go along with Judge Stryker, and that he, Stephens, would find his son, and would bring him along and find him at

Judge Stryker's house. Soon after deponent reached the third house, Stephen's came in and said he could not find deponent's son. Deponent afterward learned that Stephens saw deponent's son and told him that deponent had stepped aside a little ways and would soon return and find him where he then was, but did not say a word to the son about accompanying him (deponent) to the house of Judge Stryker. Deponent also learned that while he was in said house, his son came there, seeking for deponent, and that Judge Stryker went out and saw the son and told him that his father was not there, and had not been there, at the same time asking him, the son, into the house, and taking him into another room.

Deponent still being at Judge Stryker's house in a different room, Judge Stryker being present with Stephens and his son, told deponent that the treaty is ratified; and Stephens' son told deponent that the President has already confirmed it, and they both urged deponent to make some provision for his family before it is too late.

Soon after, Mr. Gillett and General Potter came into the room. Then Judge Stryker, Mr. Gillett and General Potter, all urged deponent to sign the assent to the amendments. Deponent then asked them how many signatures they had already obtained. Judge Stryker then showed a paper purporting to be the assent to the amendments, and told the deponent there were forty-four signatures attached to it, and that they were all chiefs. Deponent inquired who they were, and he read a few of the names, but did not read the whole. Deponent then told them that he (deponent) thought it would be wrong, and that God would be angry with him (deponent) if he should sign the assent to the amendments. Whereupon Judge Stryker told deponent that he (Stryker) was also a member of the church, as well as the deponent, and he might on that account rest satisfied that it would not be sinful for him to sign. General Potter, who is also a church member, told the deponent that there would be no sin in signing. Deponent replied, that he still thought it would be sinful for him to sign, for if he should do so, it would be known among the people and bring a reproach upon his Christian character. Judge Stryker then told him that it would not be known, for the treaty would not be published, but only sent to the President. Judge Stryker also said that deponent could not now hinder the treaty from going into effect, for the President had already ratified it. Deponent further saith, that General Potter then and there offered him, the deponent, the sum of four thousand dollars if he would sign the assent to the amendments, and a deed for two hundred and thirty acres of land, wherever deponent should choose it, and that deponent's wife might call on him and get fifty dollars; and they also told deponent that if he should hereafter choose, he could sell this land and remove beyond the Mississippi, and receive his portion of the land there also. Three offers were made to de-

ponent, in presence of Mr. Gillett, and Judge Stryker; Judge Stryker held the pen and told deponent to sign. Mr. Gillett also told deponent that he must sign. After hesitating a long time deponent took hold of the pen and Judge Stryker made his mark. Judge Stryker and General Potter then reassured him (deponent) that all the foregoing promises should be fulfilled to deponent. General Potter also promised in addition, that he would pay the deficiency of Mr. Whipple's rent to deponent for his land, and after the whole was finished, General Potter made a present to deponent, of one hundred dollars. Deponent further saith, that, after these things were done, his mind was very much troubled on account of it, and deponent believes that he was deceived by these men, and that they used falsehood, as well as other improper means to obtain deponent's signature to the assent. Deponent feels that he has sinned in listening to them and signing, in consequence of their overpersuasion and offers, and because deponent had these feelings, he neglected to get the bonds executed for the fulfilment of the above-received promises, and ever since deponent signed, he has been pained at heart on account of it. Knowing that a large majority of his people and of the chiefs are strongly opposed to emigration, and deponent does now make all these statements without any persuasion from any one, and of his own accord, hoping that in consequence of the unlawful and improper means employed by those who obtained his signature, and the signatures of many of the other chiefs to the treaty, it will not receive the sanction of the Senate, and will not be suffered to go into operation, and this deponent does, for this reason, entreat the Senate and the President of the United States not to ratify the treaty.

his
JOHN x SNOW.
mark.

Witness—S. G. Heacock.
Sworn before me, this 7th day of February, 1839.
H. A. SALISBURY,
Commissioner of Deeds for Erie county.

John Snow, a chief of the Seneca nation of Indians, residing on the Buffalo Creek reservation, deposeth and saith: That, after deponent had made the arrangement with Mr. Gillett, Judge Stryker, and General Potter, spoken of in the accompanying affidavit of said deponent, his mind being greatly distressed in view of the wrong of the said transaction, and the injury which would result from it to his people, deponent rested not to make use of the present of one hundred dollars which he had received from the hand of General Potter, as stated in the affidavit abovementioned, for his own private benefit. Deponent, therefore, made known the whole transaction to the chiefs, together with his regret at having been thus, by deception and falsehood, drawn into the snare which had been laid for

him. And deponent did shortly after make affidavit of the facts in the case; which affidavit was put into the hands of C. R. Gold, who had been employed by the chiefs opposed to the treaty to assist them in defeating said treaty, to be by him forwarded to the proper officers of the United States Government, for the purpose of defeating said treaty, or otherwise used for that purpose, under the direction of said chiefs. Deponent did, also, on or about the 14th day of December, A. D. 1838, deliver the abovementioned present of one hundred dollars, received from General Potter, into the hands of said Gold, to be enclosed in the abovementioned affidavit, for the purpose aforesaid, as corroborating evidence of the improper means used in presence of Mr. Gillet, to obtain deponent's signature, as stated in said affidavit, and said Gold engaged to use the same for said purpose; and further deponent saith not.

his
JOHN x SNOW.
mark.

Witness—S. G. Heacock.
Sworn, this 7th day of February, A. D. 1839.
H. A. SALISBURY,
Commissioner of Deeds for Erie county.

[No. 52.]

Big Kettle, George Kenjokety, Henry Two Guns, John Snow, Samuel Wilson, Mark Charles, John Kennedy, Wm. Crouse, William Jones, David White, John Tall Chief, and Daniel Two Guns, chiefs of the Seneca nation, resident on the Buffalo Creek reservation, being duly sworn, depose and say:

That they have just been informed that John Hutchinson, Charles Graybeard, and Jasper Pierce, Indians resident on the Cattaraugus reservation, have affixed their names to the assent to the Senate's amendments presented by R. H. Gillett, Esq., to the chief of the Seneca nation for their approval; and have also been informed that the said Hutchinson, Graybeard, and Pierce, were elected chiefs of the emigration party this last fall, at a tavern in the city of Buffalo. These deponents declare that they have never heard, until this 7th day of February, A. D. 1839, of said election; and further say, that Hutchinson, Graybeard, and Pierce, were not legally elected, as the Six Nations would have had to be all together at said election, which has not been done; and further say, that if said information is correct, that said election was fraudulently obtained, and the subscription of the names of said Hutchinson, Graybeard, and Pierce, to said assent as chiefs, is not binding on the Seneca nation, as these deponents now declare that said Hutchinson, Graybeard, and Pierce, are not chiefs of the Seneca nation; and further say not.

Big Kettle his x mark. Wm. Krouse his x mark.

Henry Two Guns	his x mark.	John Tall Chief	his x mark.
John Snow	his x mark.	Wm. Jones	his x mark.
Samuel Wilson	his x mark.	Daniel Two Guns	his x mark.
John Kennedy	his x mark.	David White	his x mark.
Mark Charles	his x mark.	Geerge Kenjokety	his x mark.

Witness—S. G. Heacock.

Sworn before me, this 7th day of February, A. D. 1839.

H. A. SALISBURY,
Commissioner of Deeds for Erie county.

[No. 53.]

Silversmith, Button George, and Samuel George, chiefs of the Onondaga nation of Indians, resident in the State of New York; and William Chew and John Mountpleasant, jun., chiefs of the Tuscarora nation of Indians, resident as above; and Joseph Isaac, a chief of the Cayuga nation of Indians, resident as above—depose and say: That they have been informed that the Indian agent, Judge Stryker, with others, deposed that Jim Jonas, Reuben Pierce, John Gordon, Charles Graybeard, John Hutchinson, and Charles F. Pierce, were regular chiefs of the Seneca nation of Indians resident in the western part of this State. We now depose that the afore six named persons are not chiefs of the Seneca nation, and have never been recognised as such in any regular council of the Six Nations; and further, that they are no more than warriors or runners in said Seneca nation; and further say, that the agent has either been deceived, or wickedly makes the statement, that they are chiefs of said Seneca nation.

And deponents further say, that they have been informed that there was of the emigration chiefs a council held at the Buffalo Creek council-house, on the 18th of July last, in which those opposed to emigration were not permitted to have a voice, but were excluded from the house, and at which the agent took an active part, furnishing provisions, &c., and at which there was a mock election of a number of warriors to chieftainships. Deponents say that said election was illegal and subversive of all the customs of the confederacy, and that the said council had no power to elect chiefs; and further, that the said persons so elected are not chiefs of the Seneca nation, and were not, and cannot be, recognised as such by any tribe or clan of either of the nations of the confederacy.—And further say, that there was held on the 17th, the day before, at Onondaga council-house, a regular council of the confederacy, in which there were elected to chieftainship all such as had any right thereto; and that the election on the 18th aforesaid was done for the purpose of party only, and to subserve the interests of the cause of emigration, without regard to either custom or law. And further say not. SILVERSMITH, his x mark.

Sachem of the Onondaga nation.

BUTTON GEORGE, his x mark
Sachem of the Onondaga nation.
SAMUEL GEORGE, his x mark.
Chief of the Onondaga nation.
JOSEPH ISAAC,
Chief of the Cayuga nation.
WILLIAM CHEW,
JOHN MOUNTPLEASANT, Jr.
Chiefs of the Tuscarora nation.

Subscribed and sworn before me this 11th day of December, A. D. 1839. H. A. SALISBURY,
Commissioner of Deeds for Erie county.

[No. 54.]

We, the subscribers, being duly sworn, depose and say: That we are chiefs or sachems of the Seneca nation of Indians, residing in the western part of the State of New York; and further say, that Jim Jonas, Reuben Pierce, John Gordon, Charles Graybeard, John Hutchinson, and Charles F. Peirce, are not chiefs of the Seneca nation of Indians; and that their claim to chieftainship is not acknowledged by any of the tribes or clans in said nation. And further say not.

Daniel Two Guns, sachem.
Seneca White, sachem.
Black Smith, his x mark.
Wm. Patterson, his x mark.
John Luke, his x mark, sachem.
Tunis Half Town, his x mark.
John Hudson.
Jacob Blacksnake, his x mark.
Jimmy Johnson, his x mark.
Gov. Blacksnake, his x mark.
Israel Jemison, his x mark.
John Pierce, his x mark.
Young Chief, his x mark.
George Kenjokety, his x mark.
Black Chief, his x mark.
John Cook, his x mark.
George Dennis, his x mark.
James Shongo, his x mark.
Robert Watt, his x mark.
Samuel Parker, his x mark.
David Snow, his x mark.
John Tall Chief, his x mark.
George Washington, his x mark.
Isaac Halftown, his x mark.
George Killbuck, his mark.

John Sky, his x mark.
John General, his x mark.
Joseph Snow, his x mark.
George Deer, his x mark.
William Jones, his x mark.
Johnny John, his x mark.
James Williams, his x mark.
John Big Fire, his x mark.
Blue Sky, his x mark.
Lewis Poudry, his x mark.
John Kennedy, his x mark.
Oliver Silverheels, his x mark.
George Silverheels, his x mark.
Henry Two Guns.
Sam. Gordon.
Jack Johnny John, his x mark.
John Bark, his x mark.
Adam Doxtator, his x mark.
Jesse Spring, his x mark.
John Green Blanket, his x mark.
William Cass.
Samuel Wilson, his x mark.
Mark Charles, sachem.
Isaac Davis, jr., his x mark.

Chiefs elected on the 17th of July, 1839:

Joseph Silverheels.	Sam. Lagun.
Peter White.	James Spring, his x mark.
George Turkey.	Jacob Shongo, his x mark.
John Dickie, his x mark.	Tom Hemlock, his x mark.
Isaac Shanks, his x mark.	John Mitten, his x mark.
Abram John, his x mark.	Jacob Johnson, his x mark.
Owen Blacksnake, his x mark.	Abram Johnny John, his x mark.
Daniel Spring, his x mark.	John Joshua, his x mark
George Green Blanket, his x mark	John Kennedy, jr.

Signed in the presence of
ASHER WRIGHT,
SETH G. HEACOCK.

Subscribed and sworn before me, this 11th day of December, A. D. 1839.
H. A. SALISBURY,
Commissioner of Deeds for Erie county.

Asher Wright and Seth G. Heacock, being duly sworn, depose and say, that they know the names and persons of those who have signed the foregoing paper, and know them to be recognised as chiefs of the Seneca nation, residing in the western part of the State of New York.
ASHER WRIGHT,
SETH G. HEACOCK.

Sworn before me, this 11th day of December, A. D. 1839.
H. A. SALISBURY,
Commissioner of Deeds for Erie county.

[No. 55.]

John Gordon, being duly sworn, deposes and says: That he is a warrior of the Seneca nation of Indians, residing upon the Alleghany reservation in the western part of the State of New York; and this deponent further says, that he has had read and interpreted to him an affidavit, made by his brother, Samuel Gordon, and that so far forth as the facts detailed in said affidavit relate to the election of this deponent to chieftainship, they are true; and this deponent further says, that the said election was illegal, and subversive of the laws which govern the Seneca nation in the election of chiefs; and further says, that he was never considered a chief by the body of the nation, and has never claimed his seat as a chief in the councils of said nation, but has acted as a chief with the emigration party only; and this deponent further saith that he is not a chief of the Seneca nation; and further saith not.
JOHN GORDON, his x mark.

Subscribed and sworn before me, this 11th day of December, A. D. 1839.
H. A. SALISBURY,
Commissioner of Deeds for Erie county.

[No. 56.]

Seneca White, being duly sworn, deposes and says: That he is a sachem of the "Six Nations of Indians," and that he is a Seneca, residing on the Buffalo Creek reservation, in the western part of the State of New York; and further says, that on the seventeenth day of September, A. D. 1834, there assembled at the Buffalo Creek council-house seven chiefs of the Seneca nation, which chiefs then constituted what was called the emigration party of chiefs among the Senecas: and in view of the fact that there were so few chiefs in favor of emigration, and also to gratify a desire to see the country offered to the Seneca nation by the United States, the seven chiefs, so convened, resolved that they would raise a number of warriors, who were known to be in favor of emigration, to chieftainship, and also to organize themselves into a party; accordingly there were raised, by the vote of these seven chiefs, warriors to be chiefs, (not of the Seneca nation, but of the emigration party in said nation,) and also appointed Jim Jones and Reuben Pierce as runners, (not of the Seneca nation, but of the emigration party in said nation.) And this deponent further saith, that there was a delegation sent by said party to view the country offered by the United States, and that when the delegation returned the chiefs in council agreed to drop the subject of emigration, and to heal, if possible, the difficulty then existing on that subject in the nation; upon which a council of the Six Nations was called, and it was agreed that all those that had been elected chiefs by the emigration party should be considered chiefs so long as they conducted themselves properly and as chiefs ought to do. And this deponent further says, that those who were then admitted as chiefs in said convention hold their offices only during their lives, and that their chieftainship dies with them, they being chiefs merely by concession. And this deponent further says, that the choice of the said Jim Jonas and Reuben Pierce as runners was never ratified by the said council of the Six Nations, but they have acted as such for the emigration party; and that they are not chiefs, never having been elected as such by the nation, or acknowledged by the sachems, or raised to chieftainship by the Father of the Confederacy. And this deponent further says, that, although from his recollection he should be able to swear to the foregoing, yet he has in his hands a minute of the proceedings, taken down in his own language at the time, to which he refers, in order that there may not possibly be a mistake. And further this deponent saith, that those who were set apart on the seventeeth day of September aforementioned, were not chiefs of the Seneca nation until the choice was ratified by the council of the Six Nations aforementioned; and further saith not.

SENECA WHITE.

Subscribed and sworn before me, this 11th day of December, A. D. 1839.

H. A. SALISBURY,

Commissioner of Deeds for Erie county.

[No. 57.]

Samuel Gordon, a chief of the Seneca nation of Indians, being duly sworn, deposes and says: That he has read the above copies of letters, printed in the documents furnished to the Senate's Committee on Indian Affairs, marked No. 14, No. 15, and No. 16—the first from five chiefs to Hon. James Stryker; the second from thirty-seven chiefs to Hon. R. H. Gillett, Commissioner, &c., the third from James Stryker to Hon. R. H. Gillett, Commissioner, &c. That in relation to the election of the chiefs, as mentioned in the said letters, the facts are, that some time in December, 1838, he attended a meeting of Indian chiefs at the house of James Stryker, in the city of Buffalo; that Orlando Allen (a white man) and James Stryker, and ten or fifteen Indians, were present; that it was agreed to elect and install as chiefs of the Seneca nation, Charles F. Pierce, Charles Graybeard and John Hutchinson, who were warriors, which was accordingly done; that they then proceeded to the Eagle tavern and informed the commissioner, Hon. R. H. Gillett, that these three men were regularly constituted chiefs of the Seneca nation, and that their names were then appended to the assent to the Senate's amendments. Deponent further says, this proceeding was not in accordance to the customs of the nation in choosing chiefs, but grossly at war with them; that it was done in this private manner, concealed from the knowledge of the whole nation, in order that, if possible, the three vacancies which existed might be filled with persons in favor of emigration, and that there might be some pretext for affixing their names to the assent to the Senate's amendments; that the abovenamed Pierce, Graybeard, and Hutchinson, have never been acknowledged in the regular way by the nation; that they are not now, nor do they consider themselves as chiefs of the Seneca nation, except *for the purpose of signing the assent;* that they are not allowed to sit as chiefs, nor do they claim it. Deponent further says, that in relation to the letter dated "Buffalo Creek, December 10, 1838," from thirty-seven chiefs to Hon. R. H. Gillett, commissioner, which bears the same date with the other two, and to which he finds his name affixed, he never signed such a letter; never saw it until he saw it printed as above; that he never in any way authorized any person to affix his name to such a letter; that he does not know from whom it emanated, and that he never attended a meeting or council on Buffalo Creek, at which he made a communication such as above mentioned.—And further saith, that John Gorden was elected chief by the emigration party, and that he is not a chief of the Seneca nation; said election being held at a tavern, and not at the place where it should have been done.

SAMUEL GORDEN.

Subscribed and sworn before me, this 11th day of December, A. D. 1839.

H. A. SALISBURY,
Commissioner of Deeds for Erie county.

[No. 58.]

We, the undersigned, chiefs and warriors of the Seneca nation, having heard that a letter, of which the following is a copy, was sent to R. H. Gillett, Esq., and dated Buffalo Creek, December 10th, 1838, and to which our names are attached—

"Sir: The undersigned chiefs would beg leave to state to the honorable commissioner that they have already notified the agent, honorable James Stryker, of the election of three chiefs, in the places of Captain Jones, Captain Jack Snow, and George White, deceased. Charles F. Pierce was elected as the successor of the late Captain Jones, in a regular council convened for that purpose. The delegates from the reservations were present, according to the custom of the Iroquois confederacy. Pierce is the successor of Captain Jones, by the regular line of descent in the family or clan.

The right of Pierce was so generally acknowledged by the people, that before the usual forms or ceremony in the election of chiefs, he was acknowledged chief (by the people) by right. Charles Graybeard was elected as successor of Captain Jack Snow, in precisely the same manner as Pierce was elected. John Hutchinson was elected in the place of George White. There was some difference of opinion in the clan or family, as to who was the proper person to be the successor; but there being a majority in favor of Hutchinson, he was accordingly declared to be nominated by the proper clan, and the other clans (according to custom) confirmed the nomination, and Hutchinson was duly declared to have been elected.—The undersigned chiefs have thought proper to inform the Honorable R. H. Gillett, commissioner, how the chiefs (already named) were elected. We are your friends.

Captain Strong,
George Bennett,
Blue Eyes,
N. T. Strong,
Samuel Gorden,
Bill Shanks,
Levi Halftown,
Captain Pollard,
James Stevenson,
White Seneca,
George Jimeson,
Tommy Jimmy,
Little Johnson,
Tall Peter,
John Snow,
John Seneca,
Samuel Wilson,
James Jonas,
Thomas Jimeson,
Jabez Stevenson,
George Fox,
John Bennett,
Thomson S. Harris,
Morris Halftown,
William Johnson,
John Gorden,
Jacob Jimeson,
Long John.
John Tall Chief,
John Bark,
Major Jack Berry,
Sky Carrier,
William Cass,
Job Pierce,
George Big Deer,
Walter Thompson,
John General,

Witness: SPENCER H. CONE.
HON. R. H. GILLET, *Commissioner, &c.*"

We now say that we never signed our names or made our marks to the above letter, and that the same was done without our consent or knowledge.

his
JOHN x SNOW.
mark.

[No. 59.]

We, the subscribers, being duly sworn, depose and say: That we are chiefs of the Seneca nation of Indians, resident on the reservations in the western part of the State of New York; and further say, that we have never made our marks or written our names to the foregoing letter, and that our names and marks as they are so written, is an unqualified forgery.

SAMUEL GORDON.
JOHN TALL CHIEF, his x mark.
JOHN BARK, his x mark.
WILLIAM CASS.
JOHN GENERAL, his x mark.
SAMUEL WILSON, his x mark.

Witness—ASHER WRIGHT.

Subscribed and sworn before me, this 11th day of December, A. D. 1839.

H. A. SALISBURY,
Commissioner of Deeds for Erie county.

[No. 60.]

John Gordon, being duly sworn, deposes and says: That he is a warrior of the Seneca nation; and that the facts set forth in the foregoing letter he is entirely ignorant of, and that he never made his mark or signed his name to the same; and further saith not.

his
JOHN x GORDON.
mark.

In presence of—ASHER WRIGHT.

Subscribed and sworn before me, this 11th day of December, A. D. 1839.

H. A. SALISBURY,
Commissioner of Deeds for Erie county.

[No 61.]

Seth G. Heacock, being duly sworn, deposes and says: That he is well acquainted with Charles F. Pierce, a Seneca warrior, and that he saw him in July last, and held a conversation with him in relation to his chieftainship, in which conversation he (Pierce) told this deponent that he was not, and had never claimed to be, a chief of the Seneca nation, but only a chief of the emigration party; and that he had no right in the councils of said nation, but to sit only as chief in the councils of the emigration party; and further says not.

SETH G. HEACOCK.

Sworn before me, this 11th day of December, A. D. 1839.

H. A. SALISBURY,
Commissioner of Deeds for Erie county.

[No. 62.]

We, the subscribers, being duly sworn, depose and say: That we are chiefs of the Seneca nation residing on the Buffalo Creek reservation in the State of New York, and the Alleghany reservation in said State; and further say that we have heard that our names are attached to the assent to the Senate's amendments. We now declare that if our names or marks are attached to any paper by which our assent is given to the sale of our lands, or to the removal of our nation to the west, said name or mark being made since the assent was presented by Ransom H. Gillett, Esq. to our nation, that the same is a forgery.

GEORGE KENJOCKETY, his x mark.
JOHN TALL CHIEF, his x mark.
JOHN GENERAL, his x mark.
JAMES SHONGO, his x mark.
JOHN BARK, his x mark.
SAMUEL WILSON, his x mark.
MARK CHARLES.

Subscribed and sworn before me, this 11th day of December, A. D. 1839.

H. A. SALISBURY,
Commissioner of Deeds for Erie county.

Seth G. Heacock and Asher Wright, being duly sworn, depose

and say, that we are acquainted with the foregoing persons, and know them to be acknowledged chiefs of the Seneca nation.

SETH G. HEACOCK.
ASHER WRIGHT.

Sworn before me, this 11th day of December, A. D. 1839.

H. A. SALISBURY,
Commissioner of Deeds for Erie county.

CATTARAUGUS COUNTY, } ss.
State of New York, }

Asher Bliss, being duly sworn, saith, that having lived on the Cattaraugus reservation, among the Seneca Indians, for more than seven years past, and having frequent occasion to assist them in their public business, he has known the following individuals, to wit: Isaac Davis, John Dennis, George Silverheels, and Oliver Silverheels, as chiefs, acting as such in councils, and recognised as chiefs by the nation; the three first named for the last five or six years, and the last for the last three years.

ASHER BLISS.

Sworn and subscribed before me, this 26th day of December, 1839.

E. M. PETTIT,
Justice of the Peace.

[No. 63.]

Long John, being duly sworn, deposes and says: That he is a chief of the Seneca nation of Indians, and that he resides upon the Allegany reservation; and further says, that about one year since he was called upon by one of the chiefs of the emigration party, (James Stevenson,) belonging to the same clan with this deponent, and was advised with by the said Stevenson as to the choice of a chief to fill a vacancy in their clan, occasioned by the death of Captain Jack Snow, and that Stevenson proposed Charles Graybeard; that this deponent objected to the said Charles being elected by their clan, and it was agreed, between this deponent and the said Stevenson, that the said Graybeard could not, of right, be held up for confirmation as a chief, and it was also agreed to drop him; and this deponent understood that the emigration party were about to elect chiefs, to which this deponent objected strenuously at the time. This deponent has been informed that his name is attached

to a paper approving the election of the said Graybeard, John Hutchinson, and Charles F. Pierce to chieftainship. He now says, that the same is not only a forgery, but that he objected at the time to the whole procedure ; and further saith not.

his
LONG x JOHN.
mark.

Witness—H. A. SALISBURY,
GEORGE WHEELER.

Subscribed and sworn before me, this 14th day of December, A. D. 1839.

H. A. SALISBURY,
Commissioner of Deeds for Erie county.

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